

Friday
May 16, 1986

Federal Register

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Animal Diseases

Animal and Plant Health Inspection Service

Aviation Safety

Federal Aviation Administration

Bridges

Coast Guard

Claims

Army Department

Communications Common Carriers

Federal Communications Commission

Communications Equipment

Federal Communication Commission

Endangered and Threatened Species

Fish and Wildlife Service

Exports

International Trade Administration

Freedom of Information

Postal Service

Government Securities

Fiscal Service

Honey

Agricultural Marketing Service

Insurance

Farmers Home Administration

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Fish and Wildlife Service

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Rules and Regulations

Federal Register

Vol. 51, No. 95

Friday, May 16, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1240

Honey Research, Promotion, and Consumer Information Order; Final Procedures for the Conduct of Referenda and Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Such Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601-4612) authorizes a program of research and promotion to be developed through the promulgation of an order. Based on evidence received at a public hearing, the U.S. Department of Agriculture recently concluded that an order be issued. To become effective, however, the order must be approved by honey producers and importers in a referendum. This rule establishes procedures for the conduct of referenda and rules of practice governing proceedings on petitions to modify or to be exempted from the order.

EFFECTIVE DATE: May 16, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Departmental Regulation 1512-1 and has been designated a "non-major" rule under criteria contained therein. Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service

has certified that this action will not have a significant economic impact on a substantial number of small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

The Honey Research, Promotion, and Consumer Information Order and rules issued thereunder are unique in that they are brought about through group action of essentially small entities for their own benefit. The great majority of handlers and importers of honey or honey products may be classified as small entities. While this action may impose some costs on affected handlers and importers and the number of such firms may be substantial, the added burden on small entities, if present at all, is not significant. Furthermore, an exemption from regulation is provided for small producers, producer-packers, and importers who produce or import less than 6,000 pounds of honey or honey products annually.

The Honey Research, Promotion, and Consumer Information Act (Pub. L. 98-590, 98th Congress, approved October 30, 1984, 7 U.S.C. 4601-4612) authorizes the development of a nationally coordinated program of research, promotion, and consumer education designed to expand markets for honey and honey products. A public hearing was held on a proposed honey research, promotion, and consumer information order in July of 1985. Based on the record of the hearing, a recommended decision and a final decision were issued which concluded that the proposed order would effectuate the purposes of the Act. The final decision directed that a referendum be conducted among producers and importers to determine whether they favor the proposed order. This final rule sets forth, among other things, procedures for the conduct of such referendum.

A rule proposing this action was published in the April 2, 1986 issue of the *Federal Register* (51 FR 11313) which provided a comment period which ended April 17, 1986. Two comments were received. Binford Weaver, Chairman of the Honey Research, Promotion, and Consumer Information Order Promulgation Committee and Frank A. Robinson, Secretary-Treasurer, American Beekeeping Federation, Inc., submitted written comments on the

proposed rulemaking. Both commentators suggested that in deciding how balloting is to be done, a combination of polling places and mail ballots would be the most satisfactory for beekeepers because those who were near their polling place could cast their ballots there, while others could handle it entirely by mail. However, it has been determined that the referendum will be conducted during the period May 19-31, 1986, by mail ballot and not at polling places. This procedure is not expected to cause any inconvenience to producers since ballots will be mailed to all known eligible producers and importers of honey. In addition, ballots will be available at county Agricultural Stabilization and Conservation offices. All ballots must be returned to the Secretary's designated referendum agents in Washington, D.C. for tabulation and verification.

Mr. Robinson also objected to the definition of "Eligible producer" in § 1240.201(h) of the Subpart-Procedure for the Conduct of Referenda. He correctly pointed out that a producer eligible to participate in a referendum under the proposed order should include any person defined as a producer under the Act and order and not exempt from assessments under section 7(e)(2) of the Act (i.e. a producer or producer-packer who produces, or handles, or produces and handles 6,000 pounds or more of honey each year.) The proposal defined an eligible producer as a person with total sales of 6,000 pounds or more. Therefore, the definition of "Eligible producer" in § 1240.201(h) is revised accordingly.

The definition of "Eligible importer" should also be modified by inserting the word "importation" into the definition of "Eligible importer" in place of the word "sales" in § 1240.201(i) to conform with the Act and the proposed order.

The referendum is scheduled to be conducted May 19-31, 1986, and these procedures need to be finalized in order to make preparations to conduct the referendum. Therefore, this rule is to become effective upon publication in the *Federal Register*.

This action also establishes rules for proceedings on petitions to modify or be exempted from the order. Such procedures are necessary to meet the requirements of the Act.

List of Subjects in 7 CFR Part 1240

Honey, Agricultural research, Reporting and recordkeeping requirements, Market development, and Consumer information.

Part 1240 is added to 7 CFR Ch. XI to read as follows:

PART 1240—HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

Subpart—Procedure for the Conduct of Referenda in Connection With the Honey Research, Promotion, and Consumer Information Order

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1240.250	Words in the singular form.
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1240.252	Institution of proceeding.

Authority: Pub. L. 98-590, 7 U.S.C. 4601-4612.

Subpart—Procedure for the Conduct of Referenda in Connection With the Honey Research, Promotion, and Consumer Information Order

§ 1240.200 General.

Referenda to determine whether eligible producers and importers favor the issuance, continuance, termination, or suspension of a Honey Research, Promotion, and Consumer Information Order shall be conducted in accordance with this subpart.

§ 1240.201 Definitions.

(a) "Act" means the Honey Research, Promotion, and Consumer Information Act, Pub. L. 98-590, 98th Congress, approved October 30, 1984, 7 U.S.C. 4601-4612.

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead; and "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has

been delegated or may hereafter be delegated to act in the Administrator's stead.

(d) "Order" means the order (including an amendment to the order) with respect to which the Secretary has directed that a referendum be conducted.

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to section 12 of the Act.

(g) "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity. For the purpose of this definition, the term "partnership" includes, but is not limited to: (1) A husband and wife who have title to, or leasehold interest in, honey bee colonies or beekeeping equipment as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and (2) so-called "joint ventures" wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the production or importation of honey or honey products for market and the authority to transfer title to the honey and honey products so produced or imported.

(h) "Eligible producer" means any person defined as a producer or producer-packer in the order who produces, or handles, or produces and handles 6,000 pounds or more of honey or honey products during the representative period and who: (1) Owns or shares in the ownership of honey bee colonies or beekeeping equipment resulting in the ownership of the honey produced; (2) rents honey bee colonies or beekeeping equipment resulting in the ownership of all or a portion of the honey produced; or (3) owns honey bee colonies or beekeeping equipment but does not manage them and, as compensation, obtains the ownership of a portion of the honey produced; (4) is a party in a lessor-lessee relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce honey who share the risk of loss and receive a share of the honey produced. No other acquisition of legal title to honey shall be deemed to result in persons becoming eligible producers.

(i) "Eligible importer" means any person defined as an importer in the order, engaged in the importation of honey and/or honey products with total

importation of 6,000 pounds or more during the representative period. Importation occurs when commodities originating outside the States are released from custody of the U.S. Customs Service and introduced into the stream of commerce within the States. Included are persons who hold title to foreign-produced honey and/or honey products immediately upon release by the Customs Service, as well as any persons who act on behalf of others, as agents or brokers, to secure the release of honey and/or honey products from Customs and introduce them into the current of commerce.

(j) "Honey Board" means the administrative board provided for under section 7(c) of the Act.

§ 1240.202 Voting.

(a) Each person who is an eligible producer or importer, as defined in this subpart, at the time of the referendum and during the representative period, shall be entitled to only one vote in the referendum. However, each producer in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce honey and/or honey products, in which more than one of the parties is a producer, shall be entitled to one vote in the referendum covering only his or her share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate producer or importer, or an administrator, executor, or trustee of an eligible producing or importing estate may cast a ballot on behalf of such producer, importer or estate. Any individual so voting in a referendum shall certify that he or she is an officer or employee of the eligible producer or importer, or an administrator, executor, or trustee of an eligible producing or importing estate, and that he or she has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) Each eligible producer and importer shall be entitled to cast only one ballot in the referendum.

§ 1240.203 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period of the referendum, and the time when all ballots may be cast.

(b) Determine whether ballots may be cast by mail, at polling places, at meetings of producers or importers, or by any combination of the foregoing.

(c) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information including that needed for ascertaining:

(1) Whether the person voting, or on whose behalf the vote is cast, is an eligible voter, (2) the amount of honey produced by the voting producer during the representative period, (3) the total volume of honey and/or honey products produced and/or imported during the representative period, and (4) in a joint venture, names of the parties and each one's share of ownership.

(d) Give reasonable advance notice of the referendum: (1) By utilizing available media or public information sources without advertising expense (including but not limited to, press and radio facilities) announcing the dates, places, or methods of voting, eligibility requirements, and other pertinent information, and (2) by such other means as said agent may deem advisable.

(e) Make available to eligible producers and importers the instructions on voting, appropriate ballot and certification forms, and, except in the case of a referendum on the termination or continuance of an order, a summary of the terms and conditions of the order: *Provided*, That no person who claims to be eligible to vote shall be refused a ballot.

(f) If ballots are to be cast by mail, cause all the material specified in paragraph (e) of this section to be mailed to each eligible producer and importer whose name and address is known to the referendum agent.

(g) If ballots are to be cast at polling places or meetings, determine the necessary number of polling or meeting places, designate them, announce the time of each meeting or the hours during which each polling place will be open, provide the material specified in paragraph (e) of this section, and provide for appropriate custody of ballot forms and delivery to the referendum agent of ballot cast.

(h) At the conclusion of the referendum, canvass the ballots, tabulate the results, and except as otherwise directed, report the outcome to the Administrator and promptly thereafter submit the following:

(1) All ballots received by the agent and appointees, together with a

certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(2) A list of all challenged ballots deemed to be invalid; and

(3) A tabulation of the results of the referendum and a report thereon, including a detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

§ 1240.204 Subagents.

The referendum agent may appoint any person or persons deemed necessary or desirable to assist said agent in performing his or her functions hereunder. Each person so appointed may be authorized by said agent to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment, shall be performed by said agent):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting where ballots are to be cast or as poll officer at a polling place;

(c) Distribute ballots and the aforesaid texts to producers and importers and receive any ballots which are cast; and

(d) Record the name and address of each person receiving a ballot from, or casting a ballot with, said subagent and inquire into the eligibility of such person to vote in the referendum.

§ 1240.205 Ballots.

The referendum agent and his or her appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, said agent or appointee shall endorse above his or her signature, on said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

§ 1240.206 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1240.207 Confidential information.

All ballots cast and the contents thereof (whether or not relating to the identity of any person who voted or the manner in which any person voted) and all information furnished to, compiled by, or in possession of, the referendum agent shall be treated as confidential.

Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From the Honey Research, Promotion, and Consumer Information Order

§ 1240.250 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1240.251 Definitions.

As used in this subpart, the terms as defined in the Act shall apply with equal force and effect. In addition unless the context otherwise requires:

(a) The term "Act" means the Honey Research, Promotion, and Consumer Information Act, Pub. L. 98-590, 98th Congress, approved October 30, 1984, 7 U.S.C. 4601-4612;

(b) The term "Department" means the U.S. Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereinafter be delegated, to act in the Secretary's stead;

(d) The term "judge" means any Administrative Law Judge in the Office of Administrative Law Judges, U.S. Department of Agriculture;

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated, or may hereafter be delegated, to act in the Administrator's stead;

(f) The term "order" means any order or any amendment thereto which may be issued pursuant to the Act;

(g) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity subject to an order or to whom an order is sought to be made applicable, or on whom an obligation has been imposed or is sought to be imposed under an order;

(h) The term "proceeding" means a proceeding before the Secretary arising under Section 10 of the Act;

(i) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(j) The term "party" includes the Department;

(k) The term "hearing clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, DC;

(l) The term "decision" means the judge's report to the Secretary and includes the judge's proposed: (1) Findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions, and orders submitted by the parties; and

(m) The term "petition" includes an amended petition.

§ 1240.252 Institution of proceeding.

(a) *Filing and service of petitions.* Any person subject to an order desiring to complain that any order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quintuplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively.

(b) *Contents of petitions.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If the petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the

order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law; and

(5) Requests for the specific relief which the petitioner desires the Secretary to grant.

(c) *A motion to dismiss petition—(1) Filing, contents, and responses thereto.* If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the Act or with requirements of paragraph (b) of this section, the Administrator may, within 30 days after the filing of the petition, file with the hearing clerk a motion to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such motion shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The motion may be accompanied by a memorandum of law. Upon receipt of such motion, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such motion, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the motion to the judge for his/her consideration.

(d) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from the order shall be governed by §§ 900.52(c)(2) through 900.71 of this title (Rules of Practice Governing Proceedings on Petitions to Modify or to be Exempted From Marketing Orders) and as may hereafter be amended, and the same are incorporated herein and made a part hereof by reference. However, each reference to "marketing order" in the title shall mean "order".

Dated: May 28, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 86-10843 Filed 5-15-86; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1806

Multiple Family Housing; Real Property Insurance

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations governing the Real Property Insurance loss deductible clause for Multiple Family Housing Loan and Grant recipients. This action is taken to provide flexibility in selection of the level of loss deductible and keep insurance premiums at reasonable amounts. The intended effect is to help hold tenant rents from unreasonable escalation.

EFFECTIVE DATE: June 16, 1986.

FOR FURTHER INFORMATION CONTACT: James D. Tucker, Branch Chief, Multiple Family Housing Servicing and Property Management (MHSPM) Division, USDA, Room 5321-S, Farmers Home Administration, 14th and Independence Avenue, SW., Washington, DC 20250. Telephone: (202) 382-1618.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291, and has been determined "nonmajor." It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Environmental Impact Statement

This document has been reviewed according to 7 CFR Part 1940, Subpart G, "Environmental Program." It is determined by FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and according to the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Intergovernmental Review

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.405, Farm Labor Housing Loans and Grants; 10.415, Rural Rental Housing Loans; and 10.427, Rural Rental Assistance Payments. For the reasons set forth in the final rule related notice(s) to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, the program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

Vance L. Clark, Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities because it contains normal business recordkeeping requirements and minimal essential reporting requirements.

General Information

Background and Statutory Authority

This subpart prescribes the authorization, methods, and procedures for obtaining and servicing property insurance on buildings on owned or leased land securing the interest of Farmers Home Administration (FmHA) in connection with Farmer Program (FP), Rural Housing (RH), Labor Housing (LH), Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), Recreation Loans (RL), Other Real Estate (ORE), Soil and Water (SW), Timber Development (TD), and Land Conservation and Development (LCD) loans. Farmer Program means direct and insured individual farm real estate, operating and emergency loans secured by real estate.

This change is to revise the amount of loss deductible allowable on Real Property Insurance Policies covering buildings securing RRH, RCH, and LH organization type loans securing FmHA financed projects.

FmHA has recently received a number of examples where dramatic increases in insurance premiums have adversely impacted the financial conditions of MFH projects. This rule is one response to this increase. By allowing for increased deductibles, a significant savings can be obtained for FmHA projects and tenants. This change will allow borrowers to purchase less expensive insurance.

Response to Public Comments

FmHA published a proposed rule on September 12, 1985 (50 FR 37200). The comment period ended November 12, 1985. FmHA received four comments on

the proposed rule. All comments supported the change. Two of the commenters expressed a need to revise the proposed rules.

Both commenters wanted to be assured that FmHA will allow the use of funds from the replacement reserve account to cover the amount of the deductible, if needed. Current regulations (7 CFR Part 1930, Subpart C, Exhibit B, Paragraph XIII B2c(5)(ii)), permit this and we find no need for additional regulatory clarification.

Both commenters were also concerned that FmHA grant quick rent increases to pay increased premiums or allow replacement reserve account funds to be used to pay rapidly escalating insurance premium costs. We find neither action is needed since there exists ample time within the current rent change process.

Both commenters felt that the escrow requirement to increase the deductible beyond Option (1) and (2), could be burdensome on financially troubled projects. We point out that increasing the deductible by an amount that would require an escrowed amount is entirely optional for a particular borrower and can be done only after FmHA feels it is a prudent action. Consequently, we find no reason to change this stipulation.

One commenter went further and expressed concern that borrowers recoup any funds that they deposit themselves in the replacement reserve account as an escrow to increase the amount of the deductible. While this rule does not encourage the use of borrower funds to increase the escrow, we have provided that they can be used and recouped based on actual savings. Again, the escrow increase in the replacement reserve account is a voluntary decision and the regulation is written to encourage borrowers to do this only when real savings in insurance can be obtained. Consequently, we have made no change in this requirement.

All comments indicated some confusion over the functions of Options (3) and (4), so they have been rewritten for clarification. Our intent is to require that only the amount needed to increase the deductible beyond the amount specified in Options (1) and (2) be placed in escrow in the project's reserve account. The deductible amount up to the maximum levels of Options (1) and (2) do need to be escrowed.

Finally, one commenter stated that FmHA should consider the establishment of "in-house" insurance to lower the cost of MFH insurance premiums. While the idea has merit, we choose not to consider it in the context of this particular rule making action.

List of Subjects in 7 CFR Part 1806

Insurance, Loan programs—
Agriculture, Real property insurance,
Rural areas.

Therefore, Subpart A of Part 1806, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1806—INSURANCE

1. The authority citation for Part 1806 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

2. In § 1806.2, paragraph (d)(1)(iii) is revised to read as follows:

§ 1806.2 Companies and policies.

(d) * * *

(1) * * *

(iii) *Loss Deductible Clause.* (A) For all loans other than RRH, RCH, and LH organizations this clause generally provides that loss to each building to the extent of the limitation is not recoverable. The company is liable only for loss to each building in excess of such limitation stated in the clause. This clause may be accepted where the limitation does not exceed \$150, or one percent of the insurance coverage whichever is greater. In no case, however, may the limitation on any one building exceed \$500.00.

(B) For RRH, RCH, and LH organization loans this clause generally provides that loss to each project to the extent of the limitation is not recoverable. The company is liable only for loss to each project in excess of such limitation stated in the clause. This clause may be accepted where the limitation does not exceed the option shown below that is chosen by the borrower and agreed to by the Loan Approving Official and properly annotated in the borrower file. The borrower and FmHA Official should consider the economic impact to the project when selecting the appropriate option.

(1) Option 1—Up to one-fourth of one percent (0.0025) of the insurable value. Maximum deductible \$5,000.

(2) Option 2—Up to a maximum deductible of \$500 on any project with an insurable value not exceeding \$200,000.

(3) Option 3—Option 1 may be chosen and increased above the maximum deductible by an amount equivalent to funds specifically escrowed in the project replacement reserve account as an offset to the increased deductible.

(4) Option 4—Option 2 may be chosen and increased above the maximum

deductible by an amount equivalent to funds specifically escrowed in the project replacement reserve account as an offset to the increased deductible.

(5) The funds used to increase the deductible in Option 3 or Option 4 may be from project funds if it does not create an unsecure financial situation for the project. Also, non-project funds may be used for Option 3 or 4 and then repaid by withdrawal from the project at the rate of 75 percent of the annual insurance premium savings earned by the amount of escrow deposit, up to the amount deposited.

(6) The funds escrowed to increase the authorized deductible will be placed in the project reserve account as an increased amount in and above the amount required by the Loan Agreement/Resolution and so annotated in the borrower's accounting system.

Dated: March 12, 1986.

Vance L. Clark,
Administrator, Farmers Home
Administration.

[FR Doc. 86-11112 Filed 5-15-86; 8:45 am]
BILLING CODE 3410-07-M

7 CFR Parts 1822, 1823, 1941, 1943, 1944, 1945, 1955, 1962, and 1965

Single and Multiple Family Housing and Farmer Program Loans; Interest Rates

AGENCY: Farmers Home Administration,
USDA.

ACTION: Final rule; correction.

SUMMARY: The Farmers Home Administration (FmHA) corrects a final rule published February 26, 1986 [51 FR 6731]. In this rule, FmHA implemented the provisions of Pub. L. 99-88 for Single and Multiple Family Housing and Farmer Program Loans. A provision of Pub. L. 99-88 provides that applicants requesting FmHA assistance have the right to request that their FmHA loan close at the lower of the interest rates in effect at the time of loan approval or loan closing. In the preamble to the final rule, FmHA mistakenly stated that Pub. L. 99-88 applies to transfers with assumption and credit sales. Pub. L. 99-88 does not apply to transfers with assumption or credit sales, however, FmHA administratively elected to adopt the regulation with provisions similar to those of Pub. L. 99-88 for credit sales involving Single Family Housing (SFH), Multiple Family Housing (MFH) and Farmer Program (FP) loans. Additionally, FmHA has

administratively elected to adopt the provisions of Pub. L. 99-88 for transfers with assumption involving only SFH and FP loans. The intended effect of this action is to correct the aforementioned preamble of the final rule, by providing a correct interpretation of Pub. L. 99-88 and clarify the Agency's implementation of same.

FOR FURTHER INFORMATION CONTACT:

David J. Villano, Senior Realty Specialists, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, South Agriculture Building, Room 5309, Washington, DC 20250. Telephone: (202) 382-1452.

Dated: May 8, 1986.

Vance L. Clark,
Administrator, Farmers Home
Administration.

[FR Doc. 86-11111 Filed 5-15-86; 8:45 am]
BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 86-042]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health
Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the States of New Jersey and West Virginia from Class A to Class Free. This action is necessary because it has been determined that these States meet the standards for Class Free status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from the States of New Jersey and West Virginia.

DATES: Effective date of the interim rule is May 16, 1986. Written comments must be received on or before July 15, 1986.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 86-042. Written comments may be inspected at

Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT:
Dr. M.J. Gilsdorf, Cattle Diseases Staff,
VS, APHIS, USDA, Room 817, Federal
Building, 6505 Belcrest Road,
Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucella infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or Areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine. This document changes the classification of the States of New Jersey and West Virginia from Class A to Class Free.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the period of 12 months preceding classification as Class Free. The Class C classification is for States or Areas with the highest rate of brucellosis, with Classes A and B in between. Restrictions on the movement of cattle are more stringent for movements from Class A States or Areas compared to movements from Free States or Areas, and are more stringent for movements from Class B States or Areas compared to movements from Class A States or Areas, and so on. The restrictions include testing for movement of certain cattle from other than Class Free States or Areas.

The basic standards for the different classifications of States or Areas concern maintenance of: (1) A State or Area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Identification (MCI) reactor prevalence rate not to exceed a stated rate (this concerns the testing of cattle at auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been

sold or received under approved action plans; and (4) minimum procedural standards for administering the program.

Prior to the effective date of this document, the States of New Jersey and West Virginia were classified as Class A States. It had been necessary to classify these States as Class A rather than Class Free because of the herd infection rate. To attain and maintain Class Free status, a State or Area must, among other things, remain free from brucellosis in cattle for the preceding 12-month period and the adjusted MCI reactor prevalence rate for such 12-month period must not exceed one reactor per 2,000 cattle tested (0.050 percent). A review of brucellosis program records establishes that the States of New Jersey and West Virginia should be changed to Class Free since these States now meet the criteria for classification as Class Free.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy, will not cause a major increase in costs or prices for consumers, individuals industries, Federal, State, or local government agencies, or geographic regions; and will not cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the States of New Jersey and West Virginia reduces certain requirements on the interstate movement of these cattle. Cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the changes in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have

a significant economic impact on a substantial number of small entities.

Effective Date

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from the States of New Jersey and West Virginia.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the Federal Register.

Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the Federal Register.

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, 9 CFR Part 78 is amended as follows:

1. The authority citation for Part 78 continues to read as follows:

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 78.20 [Amended]

2. Section 78.20(a) is amended by adding "New Jersey;" immediately before "New York" and by adding "West Virginia;" immediately before "Wisconsin".

3. In § 78.20(b), "New Jersey," is removed and "Washington, and West Virginia" is changed to "and Washington."

Done at Washington, D.C., this 8th day of May 1986.

J. K. Atwell,

Deputy Administrator, Veterinary Services.
[FR Doc. 86-11051 Filed 5-15-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-ANE-14; Amdt. 39-5299]

Airworthiness Directives; Avco Lycoming LTS 101-600A-2, -600A-3, -650A-2, -650B-1, -650B-1A, -650C-2, -650C-3, -650-3A, -750A-1, -750A-3, -750B-2, and -750C-1 Turbohaft; and LTP101-600A-1A, and -700A-1A Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires installation of an improved gas producer (G.P.) turbine rotor assembly incorporating metal blade dampeners on certain Avco Lycoming LT101 series turboshaft and turboprop engines. This AD is needed to reduce G.P. blade vibratory stresses to prevent blade failure leading to in-flight shutdowns.

DATE: Effective—May 16, 1986.

Compliance schedule—As prescribed in body of the AD.

Comments for inclusion in the docket must be received on or before June 16, 1986.

Incorporation by Reference—Approved by the Director of the Federal Register on May 16, 1986.

ADDRESSES: Comments on the amendment may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket Number 86-ANE-14, 12 New England Executive Park, Burlington, Massachusetts 01803.

or delivered in duplicate to Room Number 311 at the above address.

Comments delivered must be marked: Docket Number 86-ANE-14.

Comments may be inspected at the New England Regional Office, Office of the Regional Counsel, Room Number 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The applicable service bulletin (SB) may be obtained from Avco Lycoming Williamsport Division, 652 Oliver Street, Williamsport, Pennsylvania 17701. Attention: Customer Support.

A copy of the SB is contained in Rules Docket Number 86-ANE-14 in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England

Executive Park, Burlington, Massachusetts 01803, and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robbin Goulet, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7089.

SUPPLEMENTARY INFORMATION: The FAA has determined that the G.P. turbine blades in certain Avco Lycoming LT101 series turboshaft and turboprop engines are susceptible to excessive vibratory stresses in the speed range from 87 percent to 89 percent G.P. turbine speed.

Installation of the dampeners, between the turbine disc outer diameter and the underside of the blade platform, will reduce the vibratory stresses in the G.P. blades to an acceptable level. There have been 44 incidents of G.P. turbine blade failures. Fractures occur in the G.P. turbine blade shank, just above the ball root (blade attachment). Fatigue cracks initiate by high cycle fatigue. The blade life at time of failure has ranged from 110 hours to 1,211 hours. All G.P. blade failures have been contained. Seven of the 44 cases have resulted in airframe damage due to forced landings. Due to a higher failure rate, the compliance end date is more restrictive for the LTS101-600A-2, -600A-3, and -750C-1 engine models as compared to the other affected LT101 series engine models.

Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires installation of an improved G.P. turbine rotor assembly incorporating metal blade dampeners on certain Avco Lycoming LT101 series turboshaft and turboprop engines.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical, and good cause exists for making this amendment effective in less than 30 days. Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedures, comments are invited on the rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be

submitted in duplicate to the address specified above.

All communications received on or before the closing date for comments will be considered by the Director. This rule may be amended in light of comments received. Comments that provide a factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effectiveness of the AD and determining whether additional rulemaking is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available for examination in the Rules Docket at the address given above. A report summarizing each FAA-public contact, concerned with the substance of this AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 86-ANE-14". The postcard will be date/time stamped and returned to the commenter.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required).

A copy of the final evaluation if filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Avco Lycoming: Applies to Avco Lycoming model LTS101-600A-2, -600A-3, -650A-2, -650B-1, -650B-1A, -650C-2, -650C-3, -650C-3A, -750A-1, -750A-3, -750B-2, and -750C-1 turboshaft; and LTP101-600A-1A, and -700A-1A turboprop engines.

Compliance is required on or before June 1, 1986, for engine models LTS101-600A-2, -600A-3, and -750C-1; and on or before September 30, 1986, for all other affected LT101 series engine models, unless already accomplished.

To prevent the failure of a gas producer (G.P.) blade due to fatigue cracking from excessive vibratory stresses, incorporate G.P. blade dampeners in accordance with Avco Lycoming Service Bulletin (SB) Number LT101-72-50-0079, Revision 1, dated April 21, 1986, or FAA approved equivalent.

Aircraft may be ferried in accordance with the provisions of FAR Parts 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance dates specified in this AD.

Avco Lycoming SB Number LT101-72-50-0079, Revision 1, dated April 21, 1986, identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Avco Lycoming Williamsport Division, 652 Oliver Street, Williamsport, Pennsylvania 17701, Attention: Customer Support.

This document also may be examined at the Office of the Regional Counsel, Rules Docket Number 86-ANE-14, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

This amendment becomes effective on May 16, 1986.

Issued in Burlington, Massachusetts, on April 24, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-11002 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-13-M]

14 CFR Part 39

[Docket No. 85-ANE-16; Amdt. 39-5300]

Airworthiness Directives; Pratt & Whitney (PW) JT9D-3A, -7, -7H, -7A, -7AH, -7F, -7J, and -20 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an airworthiness directive (AD) that requires initial and repetitive eddy current inspections (ECI) of the diffuser case rear rail for cracks and removal of the diffuser case as necessary on certain PW JT9D series turbofan engines. This AD is needed to institute an inspection program that assures timely crack detection to prevent diffuser case rupture that can cause an uncontained engine failure.

DATES: Effective June 16, 1986.

Compliance schedule—As prescribed in body of AD.

Incorporation by Reference—Approved by the Director of the Federal Register on June 16, 1986.

ADDRESSES: The applicable service bulletins (SB's) may be obtained from Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457. Copies of the SB's are contained in the Rules Docket Number 85-ANE-16, in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7084.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include a new AD requiring an initial and repetitive inspections of the diffuser

case rear rail and removal of the diffuser case as necessary on PW JT9D-3A, -7, -7H, -7A, -7AH, -7F, -7J, and -20 series turbofan engines was published in the Federal Register on June 28, 1985, (50 FR 26788). The proposal was prompted by an uncontained engine failure that was caused by an explosive diffuser case rupture, due to a rear rail crack that propagated undetected to critical length. The FAA has determined that this condition is likely to exist or develop on other engines of the same type design; therefore, a new AD is being issued which requires incorporation of PW SB 5591, Revision 4, dated March 6, 1986, and PW SB 5670, dated March 6, 1986. These SB's specify the procedures and the intervals at which the required inspection should be carried out and the criteria under which the diffuser case must be removed.

Interested persons have been afforded the opportunity to participate in the making of this amendment and due consideration has been given to all relevant data and comments received.

Seven responses were received concerning the proposed rule. Five of those were submitted through one commenter who conducted an industry-wide survey and received responses to the proposed rule. Based on the responses received and upon further review, several substantive changes as well as changes of an editorial and clarifying nature have been made on the proposed rule and the applicable engine manufacturer's SB's.

One commenter agreed with the proposed rule and urged the FAA to expedite rulemaking. The FAA is responding accordingly.

Five commenters requested that a fly back provision should be incorporated to allow adequate scheduling for engine removal and repair, following a confirmation of a three sensor crack. The FAA concurs and has coordinated with the engine manufacturer for the incorporation of such a provision into Revision 4, of PW SB 5591.

Three commenters requested a clarification be made regarding the in-shop inspection requirement for cases separated at "M" flange to require only a rear rail inspection and not an inspection of the entire diffuser case. The FAA concurs and that clarification has been made.

One commenter has requested that the inspection interval be altered for those engines in which PW SB 5055 has been incorporated. The FAA disagrees. During the development of this rule, this concern was addressed with the engine manufacturer. Since there are no conclusive data to support this proposal,

a relaxed compliance for those engines is unwarranted.

One commenter requested that post weld repair x-ray data should be analyzed to expand the "C" sensor crack limit. Currently there is no data basis available supporting this proposal. Therefore the FAA will defer this item for consideration when such data becomes available to support an amendment of this rule.

One commenter has requested that a modified inspection requirement be adopted for the the PW JT9D-20 turbofan engine due to its unique design features. In coordination with the engine manufacturer, the FAA has learned that an additional ECI probe be used to inspect the diffuser case rear rail front face and justifiably relax the repetitive inspection requirement for crack free cases. Since issuance of the Notice of Proposed Rulemaking, PW SB 5670 has been issued to establish the inspection requirements applicable only to the JT9D-20 turbofan engines. Because the inspection requirements of PW SB 5670 are relaxatory relative to the inspection requirements of PW SB 5591, Revision 1, dated May 22, 1985, no further notice is needed. Therefore, the FAA is incorporating the requirements of PW SB 5670, dated March 6, 1986, in this AD.

One commenter has requested minor editorial changes which have been incorporated.

Conclusion

The FAA has determined that this regulation involves 1,731 JT9D engines installed on Boeing 747 series aircraft and 75 JT9D engines installed on McDonnell Douglas DC-10 series 40 aircraft, and the approximate total annual cost is \$157,000. It is also determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the rule affects only operators using Boeing 747 aircraft and McDonnell Douglas DC-10 aircraft in which the JT9D engines are installed, none of which are believed to be small entities. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person

identified under the caption "FOR FURTHER INFORMATION CONTACT".

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449 January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Pratt & Whitney: Applies to Pratt & Whitney (PW) JT9D-3A, -7, -7H, -7A, -7AH, -7F, -7J, and -20 series turbofan engines.

Compliance is required as indicated, unless already accomplished.

To prevent diffuser case rupture resulting from diffuser case rear rail cracking, accomplish the requirements of the PW Service Bulletin (SB) 5591, Revision 4, dated March 6, 1986, or FAA approved equivalent, for the JT9D-3A, -7, -7H, -7A, -7AH, -7F, and -7J turbofan engines, and the requirements of PW SB 5670, dated March 6, 1986, or FAA approved equivalent, for the JT9D-20 turbofan engines as follows:

(a) Eddy current inspect the diffuser case rear rail for cracks within the next 500 cycles in service after the effective date of this AD.

(b) Reinspect the diffuser case rear rail for cracks, at the established reinspection intervals, as stated in the respective SB's.

(c) Remove from service, prior to further flight, diffuser cases cracked beyond the established acceptable limits as stated in the respective SB's.

(d) Eddy current inspect the diffuser case rear rail for cracks on engines separated at "M" flange, and repair cracked cases, prior to return to service.

Upon request, an equivalent means for compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Aircraft may be ferried in accordance with the provisions of FAR Parts 21.197 and 21.199 to a base where the AD can be accomplished.

Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance schedule specified in this AD.

PW SB Number 5591, Revision 4, dated March 6, 1986, and PW SB 5670, dated March 6, 1986, identified and described in this

document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Group, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108. These documents also may be examined at the Office of Regional Counsel, New England Region, FAA Room Number 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

This amendment becomes effective on June 16, 1986.

Issued in Burlington, Massachusetts, on April 25, 1986.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 86-11003 Filed 5-15-86; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ANE-15; Amdt. 39-5301]

Airworthiness Directives; Rolls-Royce, Limited, Spey 555-15, -15H, -15N, and -15P Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which imposes reduced retirement lives for all stage 12 high pressure compressor (HPC) disks, stage 12 HPC rotor seals, and low pressure compressor (LPC) drive shafts, on certain Rolls-Royce Limited, Spey engines. The AD is needed to prevent failure of these components which can result from fatigue cracks. The recalculation of cyclic life using current in-service flight cycle profiles has shown the need to reduce the maximum cyclic life of the components due to a reduction in low cycle fatigue capabilities.

DATES: Effective June 20, 1986.

Compliance Schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register on June 20, 1986.

ADDRESSES: The applicable service bulletin (SB) may be obtained from the Service Manager, Spey Engines, Rolls-Royce Limited, East Kilbride, Glasgow G74 4Pr, Scotland. A copy of the SB is contained in Rules Docket Number 83-ANE-15, in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803 and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Chung C. Hsieh, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7091.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include a new AD requiring cyclic life reduction on certain Rolls-Royce Spey turbofan engines was published in the Federal Register on September 4, 1985 (50 FR 35837). The proposal was prompted by the recalculation of low cycle fatigue capabilities of the affected components using current in-service flight cycle profiles. The maximum approved cyclic lives of all stage 12 HPC disks, stage 12 HPC rotor seals, and LPC drive shafts (pre-Mod. 4927) must be reduced to prevent failure. Since this condition is likely to exist on other engines of the same type design, the AD requires the removal of these disks, seals, and drive shafts from service, in accordance with Rolls-Royce Mandatory SB Number Sp 72-969, dated May 1984.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received. The commenter was in agreement with the proposal. Accordingly, the proposal is adopted without change in the compliance requirements. Certain editorial changes have been made to clarify the relationship of the amendment and the SB which do not change the requirements or intent of the AD.

Conclusion

The FAA has determined that this regulation involves 76 Spey 555-15, -15H, -15N, and -15P engines, and the approximate cost for each engine is \$511.00. It has also been determined that a substantial number of small entities are not affected as these engines are installed in the Fokker F28 aircraft. All of these aircraft are operated by large entities. Therefore, I certify that this action: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedure (44 FR 11034; February 26, 1979); and (3) will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting

the person identified under the caption
"FOR FURTHER INFORMATION CONTACT".
List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft,
Aviation safety, Incorporation by
reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority
delegated to me, the Federal Aviation
Administration (FAA) amends Part 39 of
the Federal Aviation Regulations (FAR)
as follows:

1. The authority citation for Part 39
continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423;
49 U.S.C. 106(g) (Revised, Pub. L. 97-449,
January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to § 39.13 the following
new airworthiness directive (AD):

Rolls-Royce Limited: Applies to Rolls-Royce
Spey 555-15, -15H, -15N, and -15P
turboprop engines.

Compliance is required as indicated unless
already accomplished.

To prevent possible failure of the stage 12
high pressure compressor (HPC) disk, stage
12 HPC rotor seal, and low pressure
compressor (LPC) drive shaft (Pre-Mod. 4927),
accomplish the following in accordance with
Rolls-Royce Service Bulletin (SB) Sp 72-969,
dated May 1984, or FAA approved
equivalent:

Remove stage 12 HPC disks and rotor
seals, and LPC drive shafts (Pre-mod. 4927)
from service on or before accumulating the
cyclic lives (flights) specified below. Parts
which have accumulated more cycles in
service than those specified below on the
effective date of this AD, must be removed
prior to further flight.

CYCLIC LIVES

Part description	Modification	Number of flights—					
		A*	B*	C*	D*	E*	F*
High pressure compressor stage 12 rotor disks and seals.		13,800	15,600	17,600	19,700	22,100	17,300
Low pressure compressor rotor drive shaft.	Pre-Mod 4927	10,800	10,800	11,500	12,600	14,400	11,200

*Note.—Cyclic lives for each component are for flight profiles as denoted by A through F and defined below:

For engines with no N₂ monitoring:

A. Spey 555-15 and 555-15N full throttle

Spey 555-15H and 555-15P rated takeoff

For engines with N₂ monitoring:

B. Where 85% of takeoffs do not exceed 100% N₂

C. Where 85% of takeoffs do not exceed 99% N₂

D. Where 85% of takeoffs do not exceed 98% N₂

E. Where 85% of takeoffs do not exceed 97% N₂

F. Datum profile, average 99.5% N₂

Aircraft may be ferried in accordance with the provisions of FAR Parts 21.197 and 21.199 to a base where the AD can be
accomplished.

Rolls-Royce SB Sp 72-969, dated May 1984,
identified and described in this document, is
incorporated herein and made a part hereof
pursuant to 5 U.S.C. 552(a)(1). All persons
affected by this directive who have not
already received this document from the
manufacturer may obtain copies upon request
to the Service Manager, Spey Engine, Rolls-
Royce Limited, East Kilbride, Glasgow G74-
4PY, Scotland. This document also may be
examined at the Office of the Regional
Counsel, New England Region, Federal
Aviation Administration, 12 New England
Executive Park, Burlington, Massachusetts
01803, Room Number 311, between the hours
of 8:00 a.m. and 4:30 p.m., Monday through
Friday except Federal holidays.

This amendment becomes effective on June
20, 1986.

Issued in Burlington, Massachusetts, on
April 28, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-11004 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AWA-6]

Establishment of Airport Radar Service Areas

Correction

In FR Doc. 86-9998 beginning on page
16610 in the issue of Monday, May 5,
1986, make the following corrections:

1. On page 16611, in the first column,
in the third complete paragraph, in the
first line, "SSR" should read "SSA".

2. On page 16612, in the first column,
in the second complete paragraph, in the
seventh line, "ACT" should read "ATC";
in the fourth complete paragraph, in the
ninth line, "offset in" should read "offset
is"; in the third column, in the third
complete paragraph, in the fourteenth
line, "ARSA" should read "TRSA".

3. On page 16615, in the first column,
in the third complete paragraph under

"Indianapolis International Airport, IN",
in the eighth line, "core" should read
"outer core"; in the second column, in
the first paragraph under "Phoenix Sky
Harbor International Airport, AZ", in
the third line from the bottom, "SPA"
should read "APA".

4. On page 16617, in the third column,
in the sixth line under "Wichita Mid-
Continent Airport, KS-[New]", "feet to"
should read "feet MSL to".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for
Housing—Federal Housing
Commissioner

24 CFR Part 200

[Docket No. R-86-1243; FR-2104]

Use of Materials Bulletin No. 44d; HUD Building Product Standards and Certification Program for Carpet and Carpet With Attached Cushion

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule (1) adopts as part of
HUD's Minimum Property Standards
(MPS), a Use of Materials Bulletin (UM)
that references nationally recognized
standards for the manufacture of carpet
and carpet with attached cushion; (2)
provides for a labeling and third party
certification program; (3) supplements
HUD's Building Product Standards and
Certification Program by requiring that
certain additional information be
included on a label, mark, or stamp
which each manufacturer would apply
to the certified products; and (4)
specifies the frequency with which
products must be tested in order to be
acceptable to HUD.

EFFECTIVE DATE: June 23, 1986. The
incorporation by reference of certain
publications listed in the regulations is
approved by the Director of the Federal
Register as of June 23, 1986.

FOR FURTHER INFORMATION CONTACT:
Mr. Leslie H. Breden, Office of
Manufactured Housing and Regulatory
Functions, Department of Housing and
Urban Development, Room 9151, 451
Seventh Street, SW., Washington, DC
20410-5000; telephone (202) 755-5929.
(This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On
October 15, 1985, HUD published a
proposed rule (50 FR 41699) which

would (1) adopt as part of HUD's Minimum Property Standards (MPS), a Use of Materials Bulletin (UM) that references nationally recognized standards issued by the American Society for Testing and Materials (ASTM), American Association of Textile Chemists and Colorists (AATCC) and National Bureau of Standards for the manufacture of carpet and carpet with attached cushion; (2) provide a labeling and third party certification program to assure that the product used in buildings under HUD programs meets these nationally recognized standards; (3) supplement HUD's Building Product Standards and Certification Program by requiring that certain additional information be included on a label, mark, or stamp which each manufacturer would apply to the certified products; and (4) specify the frequency with which carpet and carpet with attached cushion must be tested in order to be acceptable to HUD.

The Department received ten public comments on the proposed rule. All of the commenters favored the publication of the proposed rule except one, who stated that the rule would result in increased costs of fifty dollars per dwelling unit. The Department has determined that there is no factual basis for this comment.

Another commenter suggested upgrading the face weight of carpet by 20 percent. While this would be desirable, HUD has determined that such an addition to the initial cost of a house would not be cost effective. Furthermore, the present HUD carpet face weight requirements appear to have remained adequate since their adoption in 1976.

Finally, several technical and editorial suggestions were made by commenters interested in improving the clarity of the rule. These have been incorporated into the final rule.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact is available for public inspection of copying during regular business hours in the Office of the Rules Docket Clerk, at the above address.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulations, issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for

consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this Rule would not have a significant economic impact on a substantial number of small entities. UM 44d adopts standards that are nationally recognized throughout the affected industry and will not create a burden on manufacturers currently meeting the standards.

This rule was listed as item number 855 in the Department's Semiannual Agenda of Regulations published on April 21, 1986 (51 FR 14036, 14058) under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 200

Administrative practice and procedures, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan Program: Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards, and Incorporation by reference.

Accordingly, 24 CFR Part 200 is amended as follows:

PART 200—INTRODUCTION

1. The Authority citation for 24 CFR Part 200 continues to read as follows:

Authority: Titles I and II of the National Housing Act (12 U.S.C. 1701 through 1715z-18); section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. A new § 200.942 is added, to read as follows:

§ 200.942 Supplementary specific procedural requirements under HUD building product standards and certification program for carpet and carpet with attached cushion.

(a) *Applicable standards.* (1) Carpet and carpet with attached cushion certified for this program shall be designed, manufactured and tested in accordance with the following standards:

(i) AATCC 20A-81—Fiber Analysis: Quantitative;

(ii) AATCC 16E-82—Colorfastness to Light: Water-Cooled Xenon-Arc Lamp, Continuous Light;

(iii) AATCC 8-85—Colorfastness to Crocking: AATCC Crockmeter Method;

(iv) AATCC 24-85—Insect, Resistance to Textiles to;

(v) ASTM D1335-67 (Reapproved 1972)—Standard Test Method for Tuft Bind of Pile Floor Coverings;

(vi) ASTM D3676-78 (Reapproved 1983)—Standard Specification for Rubber Cellular Cushion Used for Carpet or Rug Underlay;

(vii) ASTM E648-78—Standard Test Method for Critical Radiant Flux of Floor-Covering Systems Using a Radiant Heat Energy Source;

(viii) ASTM D2646-79—Standard Methods of Testing Backing Fabrics;

(ix) ASTM D3936-80—Standard Test Method for Delamination Strength of Secondary Backing of Pile Floor Coverings;

(x) ASTM D297-81—Standard Methods for Rubber Products—Chemical Analysis;

(xi) ASTM D418-82—Standard Methods of Testing Pile Yarn Floor Covering Construction; and

(xii) National Bureau of Standards DOC FF 1-70, (ASTM D2859-76)—Standard Test Method for Flammability of Finished Textile Floor Covering Materials.

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference. They are available from the (i) American Association of Textile Chemists and Colorists (AATCC), P.O. Box 12215, Research Triangle Park, NC, 27709; (ii) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103; and (iii) U.S. Department of Commerce, National Bureau of Standards, Washington, DC 20234.

The standards are also available for inspection at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC 20408.

(b) *Labeling.* (1) Under the procedures set forth in § 202.935(d)(6), concerning labeling of a product, the administrator's validation mark and the manufacturer's certification of compliance with the applied standard is required to be on the certification label issued by the administrator to the manufacturer. In the case of carpet and carpet with attached cushion, the following additional information shall be included on the certification label, mark or stamp:

(i) Manufacturer's name or code identifying the manufacturing plant location; and

(ii) Manufacturer's statement of compliance with UM 44d.

(2) The certification mark shall be applied to each carpet at intervals of at

least every six feet, not less than one foot from the edge.

(c) *Periodic tests and quality control inspections.* (1) Five samples of carpet and carpet with attached cushion shall be tested annually by the administrator or by an administrator-approved laboratory. Three samples of each certified quality shall be taken from the plant annually. Of these, two shall be interim samples (taken every six months) and one an annual sample. In addition, two samples of each certified quality shall be taken annually from sources other than the manufacturer, i.e., brought in the market place from distributors or stores, not from the factory. The administrator shall select samples for testing, and testing shall be conducted, in accordance with the applicable standards in a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Bureau of Standards, U.S. Department of Commerce.

(2) The administrator shall visit the manufacturer's facility at least once every six months to assure that the initially accepted quality control procedures continue to be followed.

Dated: April 24, 1986.

Silvio J. DeBartolomeis,
Acting General Deputy Assistant Secretary
for Housing, Deputy Federal Housing
Commissioner.

[FR Doc. 86-11019 Filed 5-15-86; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8088]

Income Taxes; Temporary Regulations Under Section 338, Stock Acquisitions, Statements of Elections and Due Dates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations primarily relating to section 338(g) of the Internal Revenue Code of 1954 ("Code") as added by the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"). The temporary regulations provide additional guidance to taxpayers concerning the filing of certain statements of election on or after December 9, 1985, and on or before July 15, 1986. An amendment to temporary regulation § 1.338-4T clarifies the

application of the mitigation of limitations provisions.

The temporary regulations also extend the time for taking certain actions under section 338. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the proposed rules section of this issue of the **Federal Register**.

DATES: The temporary regulations under section 338(g) and the amendments to the temporary regulations generally are effective with respect to stock acquisitions made after August 31, 1982. New paragraph (m) of § 1.338-1T is effective only with respect to elections under section 338 filed on or after December 9, 1985, and on or before July 15, 1986.

FOR FURTHER INFORMATION CONTACT: Thomas J. Kane of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T) or telephone 202-566-3458 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document amends temporary regulations §§ 1.338-1T, 1.338-2T, 1.338-4T, 1.338-5T, and 1.338(h)(10)-1T in Part 1 of Title 26 of the Code of Federal Regulations ("CFR"). Section 1.338-1T was published as T.D. 7942 in the **Federal Register** on February 8, 1984 (49 FR 4722), and was amended and redesignated (as § 1.338-1T) by temporary regulations published as T.D. 7975 in the **Federal Register** on September 6, 1984 (49 FR 35086). Section 1.338-1T also was amended by temporary regulations published as T.D. 8021 in the **Federal Register** on April 25, 1985 (50 FR 16402). The temporary regulations published on April 25, 1985, also added § 1.338-4T. Sections 1.338-1T and 1.338-4T were amended by temporary regulations published as T.D. 8068 in the **Federal Register** on January 8, 1986, and by temporary regulations published as T.D. 8072 in the **Federal Register** on January 29, 1986. The temporary regulations published on January 8, 1986, also added § 1.338(h)(10)-1T. All these temporary regulations were further amended by temporary regulations published as T.D. 8074 published in the **Federal Register** on February 12, 1986, which also added § 1.338-5T. The temporary regulations amended by this document will remain in effect until superseded by later temporary or final regulations relating to these matters.

The amendments made by this document are primarily under section 338(g). That provision was originally added by section 224 of TEFRA (Pub. L. No. 97-248; 96 Stat. 485) and was amended by section 712(k) of the Tax Reform Act of 1984 (Pub. L. 98-369; 98 Stat. 946). Other amendments are briefly discussed at the end of this preamble.

Operation of Section 338

In General

Section 338 generally provides that, if a corporation ("target") is acquired by another corporation ("purchasing corporation") in a qualified stock purchase, the purchasing corporation may elect (or may be deemed to elect under certain consistency rules) to have the target treated as if it: (1) Sold all of its assets (as "old target") at fair market value at the close of the day on which the qualified stock purchase occurred ("acquisition date") and (2) purchased those assets as a new corporation ("new target") at the beginning of the following day for an amount generally equal to the price paid by the purchasing corporation for target stock plus liabilities of target and other relevant items. Section 338 (a) and (b). The deemed sale of assets by old target generally is governed by the nonrecognition rule of section 337. In general, the tax attributes of old target are not available to new target. The net effect of a section 338 election is that the purchasing corporation obtains a basis in target assets that generally reflects the price it paid for target stock.

Effect of Section 338 Election on Taxable Year

Once a valid section 338 election has been made, old target's taxable year ends as of the close of business on the acquisition date. If the selling and purchasing groups each file separate returns (as opposed to consolidated returns) and the acquisition date occurs on a day other than the last day of target's regular taxable year, then the Federal income tax return (filed prior to making the section 338 election) for the relevant taxable year which includes the acquisition date should be amended and two separate amended returns should be filed as a result of the section 338 election. The first amended return would cover the portion of that relevant taxable year through the close of business on the acquisition date, which would include any additional Federal tax due because of target's deemed sale of assets under section 338. The second amended return would cover the balance of target's taxable year (relating

to target's operations] subsequent to the acquisition date.

The impact of a section 338 election on target's taxable year will be different if old target was a subsidiary in an affiliated group that filed a consolidated return for the period that included the acquisition date and an election under section 338(h)(10) is not made. In such case, the deemed sale will be the only transaction reported on old target's final return (called a "deemed sale return"). The Federal income tax consequences of target's operations through the close of business on the acquisition date shall continue to be reported on the selling group's consolidated return for the taxable period which included the acquisition date. Likewise, the Federal income tax consequences of target's operations for the remainder of target's regular taxable year shall continue to be reported either on the purchasing group's consolidated return or on a separate return for target if the purchaser was not included on a consolidated return.

Explanation of Provisions

These temporary regulations provide procedures in new paragraph (m) of § 1.338-1T for filing and for perfecting certain statements of election under section 338(g) for statements of election filed on or after December 9, 1985, and on or before July 15, 1986. The time for making such an election is extended by these regulations to the later of the 15th day of the ninth month beginning after the month in which the acquisition date occurs or July 15, 1986. See News Release IR-86-18, dated February 27, 1986.

For elections which do not require the filing of a deemed sale return, the procedures in new paragraph (m) condition the election on either filing consents which postpone the expiration of the statute of limitations or filing closing agreements which waive the expiration of the statute of limitations and extend the period for assessment. These new procedures are applicable for each relevant taxable year for which the statute of limitation of assessment has expired or will expire on or before November 15, 1986. A relevant taxable year is one for which a Federal income tax return was filed prior to filing the statement of section 338 election, but only if there would be an increase or decrease in Federal income tax as a result of the election. Additionally, new paragraph (m) conditions an effective section 338 election upon the filing of a closing agreement in situations where a deemed sale return must be filed as a result of the section 338 election. Standard language for these agreements

is prescribed in this document for the convenience of both taxpayers and the Internal Revenue Service.

The procedures described in these regulations are required whether the tax for the period affected would be increased or decreased. Increased tax may arise, for example, by reasons of income or tax credit recapture caused by the deemed sale by old target and by tax attributes of old target not carrying over to new target. An example that results in a decrease in tax is higher depreciation or a similar deduction for new target that arises by reason of the deemed purchase under section 338 (a)(2) by new target of assets that had a tax basis in the hands of old target lower than new target's tax basis.

Statute of Limitations

As previously described, the section 338 election may create two taxable periods within a relevant taxable year which otherwise would be properly accounted for as a single taxable year before the statement of election was filed. If new target chooses the same taxable year that old target used, and if target had filed a tax return for the relevant taxable year which includes the acquisition date, the statute of limitations for any short period which may arise (as a consequence of the section 338 election) starts to run under new § 1.339-1T(m)(10) on the date on which target is considered to have filed under section 6501(b) its tax return for that relevant taxable year. For example, if target is a calendar year taxpayer and a qualified stock purchase of its stock is made on December 1, 1982, the statute of limitations for target's year ending December 1, 1982 (a short period which results from the section 338 election) would begin to run on the date target is considered to have filed its return for its taxable year ending December 31, 1982.

A deemed sale return cannot be filed prior to the filing of a section 338 election. Accordingly, the statute of limitations will not begin to run until the deemed sale return is filed. See section 6501(a) and section 6501(b)(1). The closing agreements required by new paragraph (m) of § 1.338-1T in these situations reflect this rule of law.

Consents To Extend Statute of Limitations

Section 1.338-1T (m) provides for procedures in circumstances when the statement of section 338 election is filed and the statute of limitations for a relevant taxable year of target, affected target, or corporate transferee expires after August 15, 1986, and on or before November 15, 1986. As a condition for making a section 338 election, the target,

affected target, or corporate transferee is required to extend under section 6501(c)(4) the period for making an assessment for each such relevant taxable year until May 15, 1987. Unless such requirement is satisfied, the statement of section 338 election is ineffective unless such condition is waived by the District Director.

The extensions required by these regulations are necessary to ensure that taxpayers do not avoid the burdens of a section 338 election while retaining its benefits. The extensions will also have the effect of extending the period to file claim for refund. The extension date of May 15, 1987, was chosen to avoid requiring taxpayers to extend the period within which an assessment can be made for a period of less than 6 months and, for administrative convenience in order to provide a uniform date to which extensions would be made. The consent procedures in § 1.338-1T (m) apply only if the statute of limitations on assessment will not otherwise expire on or before August 15, 1986.

Closing Agreements—No Deemed Sale Returns

If for a relevant taxable year the statute of limitations has already expired or will expire on or before August 15, 1986, new paragraph (m) of § 1.338-1T also provides that an express election filed on or after December 9, 1985, and on or before July 15, 1986, is conditioned upon filing a closing agreement executed by target, affected target or corporate transferee wherein they: (1) Agree to waive the statute of limitations which has expired or is about to expire, (2) agree to file on or before November 3, 1986, amended returns which reflect the consequences of the deemed sale of assets under section 338(a) (1) and (3) agree to extend the statute of limitations for assessment of any additional tax due as a result of the deemed sale of assets until June 15, 1988. The election will be ineffective unless this condition is satisfied or is waived by the District Director.

It should be noted that even if each of the conditions for an effective election pursuant to this regulation are satisfied, certain adverse consequences may result in the event that an amended return reflecting the deemed sale is filed after July 15, 1986, and on or before November 3, 1986. Section 1.338-1T (h) of the existing temporary regulations generally permits waivers of certain additions to tax and time to act only if any required amended return is filed and certain other corrective action is taken on or before the last day for making an election under section 338.

Also, section 1.338-1T (f)(7) permits a new target to adopt on its first return a taxable year other than the one target used before making the section 338 election, but only if that first return is filed on or before the last day for making an express election under section 338.

Except in the event a section 338(h)(10) election is made, the statement of section 338 election will also be ineffective if the amended return described in any closing agreement is not filed on or before the time required by the agreement unless the District Director waives this additional requirement. If a selling group participates in a section 338(h)(10) election, the selling group must agree to file an amended consolidated return which reports the deemed sale gain. However, the section 338 election and the section 338(h)(10) election are not ineffective if the amended consolidated return is not filed. This rule protects target and its purchaser from an act of omission which is beyond their control.

Section 6401(a) provides that any amount of a payment of any internal revenue tax which is assessed or collected after the expiration of the period of limitation properly applicable thereto is an overpayment. By entering into a closing agreement which waives and extends the applicable statute of limitations, and tax reported, paid, and collected as a result of the deemed sale of assets is not an overpayment within the meaning of section 6401(a).

In general, the reasons for these closing agreement procedures are similar to the reasons previously explained in this document for the requirements for consents to extend the statute of limitations. The August 15, 1986, cut-off date for the expiration of the statute of limitations for closing agreements in those cases where a deemed sale return is not required was selected in order to allow the Internal Revenue Service a reasonable amount of time to process the required documents and affix the appropriate signatures and for purposes of taxpayer convenience.

Closing Agreements—Deemed Sale Returns or Combined Deemed Sale Returns

A closing agreement is also required if a deemed sale return must be filed as a result of a section 338 election. The closing agreement procedures require that a deemed sale return or a combined deemed sale return must be filed on or before November 3, 1986, and that the statute of limitations with respect to a deemed sale return or a combined deemed sale return will not terminate prior to the expiration of three years

from the date a deemed sale return or combined deemed sale return is considered filed.

Effective Date

After December 6, 1985, the public was on notice that the Internal Revenue Service was going to consider the publication of rules dealing with "elections made in circumstances when the statute of limitations has expired or is about to expire for certain taxable years (such as might be the case for target's taxable year that includes the acquisition date)." See IRS News Release IR-85-115. December 9, 1985, was selected as the effective date for the procedures in new paragraph (m) because it was the first business day following the release of News Release IR-85-115.

Elections for Which Perfection Is Required

If a statement of section 338 election filed on or after December 9, 1985, and on or before July 15, 1986, does not meet the requirements in new paragraph (m)(2) of § 1.338-1T, which includes the filing of consents to extend the statute of limitations or certain closing agreements, then the election may be perfected by refiling in accordance with those requirements on or before July 15, 1986.

District Director Discretion

For a statement of section 338 election filed on or before July 15, 1986, the District Director (or his delegate) has discretion to waive any requirement in new paragraph (m)(2) of § 1.338-1T, including the requirement of filing any amended return as prescribed by closing agreement. This discretion is to be exercised in connection with the examination of any Federal income tax return which would be affected by a section 338 election and is to be exercised on the basis of all the relevant facts and circumstances.

Mitigation

In the absence of a section 338(h)(10) election, any tax due in any closed taxable year as the result of a section 338 election made after the close of such year may be collected through the operation of the mitigation provisions (sections 1311-1314). Section 1.338-4T (l)(5), added by this document, points out that old target and new target are the same "taxpayer" for purposes of the mitigation provisions. Although section 338(a)(2) treats target as a "new corporation" for the purpose of having "purchased all the assets" of old target "as of the beginning of the day after the acquisition date", the legislative history

makes it clear that new target and old target may be regarded as the same taxpayer for purposes of carrying out the intent of the statute, e.g., nonrecognition treatment for minority shareholders who retain their stock interest in target and the requirement that new target must report as income on its return any additional recapture income arising from an adjustment of the deemed sale price to old target due to an event or events occurring after old target files its final return. See H. Rep. No. 97-760 (Conf. Rep.), 97th Cong., 2d Sess. 537. The treatment of old target and new target as the same taxpayer is appropriate in view of the legislative history.

Postponement of Due Date

The temporary regulations extend the time for taking certain actions under section 338. Thus, in temporary regulations §§ 1.338-1T, 1.338-2T, 1.338-4T, 1.338-5T, and 1.338(h)(10)-1T, all references to "March 15, 1986" with respect to the time for making elections or taking certain other actions under section 338 will be changed to "July 15, 1986." However, references to "March 15, 1986" will not be amended where the applicability of certain rules depends on whether the acquisition date occurs after March 15, 1986.

Regulatory Flexibility Act; Executive Order 12291; and Paperwork Reduction Act of 1980

A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, these temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. The collection of information contained in the regulations refer to requirements that have been submitted to the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980, and have been approved by OMB (Control Number 1545-070).

Drafting Information

The principal author of these temporary regulations is Thomas J. Kane of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing

the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 1

Income taxes, Corporations, Corporate distributions, Corporate adjustments, Reorganizations.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * * Sections 1.338-1T, 1.338-2T, 1.338-4T, 1.338-5T, and 1.338(h)(10)-1T also issued under 26 U.S.C. 338.

Par. 2. Section 1.338-1T is amended as follows:

1. Paragraph (c) is amended by—
a. Removing from the first sentence the word "March" and by adding in its place the word "July".

b. Adding a new sentence at the end of paragraph (c) to read as set forth below.

2. Paragraph (e) is amended by:
a. Removing, from each place it appears in paragraph (e)(1)(ii) (A) and (B), the word "March" and by adding in its place the word "July".

b. Removing, from paragraph (e)(2)(ii)(A), the word "March" and by adding in its place the word "July".

3. Paragraph (f)(7)(ii) is amended by removing the word "March" and by adding in its place the word "July".

4. Paragraph (h) is amended by:
a. Removing, from each place it appears in paragraph (h) (1) and (2), the word "March" and by adding in its place the word "July".

b. Removing, from each place it appears in *Example (1)* of paragraph (h)(4), the word "March" and by adding in its place the word "July".

c. Removing, from the third sentence of paragraph (h)(4) *Example (2)*, the word "March" and by adding in its place the word "July".

5. Subparagraphs (2) and (4) of paragraph (j) are amended by removing, from each place it appears, the word "March" and by adding in its place the word "July".

6. Paragraph (k) is amended by—
a. Adding a new sentence at the end of paragraph (k)(1) to read as set forth below

b. Removing from each place it appears in subdivisions (iv) and (v) of paragraph (k)(7) the word "March" and by adding in its place the word "July".

7. Adding at the end thereof new paragraph (m) to read as set forth below.

§ 1.338-1T Elections under section 338(g) of the Internal Revenue Code of 1954 (temporary).

(c) *Time and manner of making election.* * * * For special rules applicable to certain statements of section 338 election filed on or after December 9, 1985, and on or before July 15, 1986, see paragraph (m) of this section.

(K) *Special rules for foreign corporations or DISCs.*—(1) *Election by certain foreign purchasing corporations.* * * * However, the items required under paragraph (m) of this section to be filed by such a foreign purchasing corporation with the District Director of the Foreign Operations District (Attention: Chief of Examination), 1325 K Street N.W., Washington, D.C. 20225.

(m) *Statements of section 338 election filed on or after December 9, 1985, and on or before July 15, 1986.*—(1) *General rule.* A statement of section 338 election filed on or after July 15, 1986, is not effective unless—

(i) It meets the applicable requirements prescribed in paragraph (m)(2) of this section when it is filed,

(ii) It is perfected by refile in accordance with paragraph (m)(4)(ii) of this section, or

(iii) The District Director or his delegate waives, under paragraph (m)(13) of this section, the applicable requirements contained in paragraph (m)(2) of this section.

(2) *Applicable requirements.* The requirements of this subparagraph (2) are that—

(i) The statement of section 338 election meets the filing, documentation, and Form 872 requirements of paragraph (m)(4), (5), and (6) of this section for each relevant taxable year (within the meaning of paragraph (m)(3) of this section) for which the statute of limitations on making an assessment is considered under paragraph (m)(10) of this section to expire after August 15, 1986, and on or before November 15, 1986,

(ii) The statement of section 338 election meets the filing, documentation, and closing agreement requirements of paragraph (m)(4), (5), and (7) of this section for each relevant taxable year (within the meaning of paragraph (m)(3) of this section) for which the statute of limitations on making assessment is considered under paragraph (m)(10) of

this section to expire on or before August 15, 1986, and

(iii) The statement of section 338 election meets the filing and closing agreement requirements of paragraph (m)(4) and (7)(v) of this section if a deemed sale return is required to be filed and the acquisition date occurred on or before November 15, 1983.

(3) *Relevant taxable year.* For purposes of this paragraph (m), a taxable year is relevant if it is one for which a Federal income tax return was filed prior to filing the statement of section 338 election, but only if it is also—

(i) A taxable year of target (or an affected target) which includes its acquisition date, or

(ii) Any subsequent taxable year of target (or an affected target) or an affected taxable year of an affected corporation (within the meaning of paragraph (m)(12) of this section).

(4) *Filing procedures.*—(i) *In general.* The statement of section 338 election and any documents, Forms 872, and closing agreements to which paragraph (m)(2) of this section applies shall all be filed in one envelope with the District Director (Attention: Chief of Examination) for the internal revenue district where original target had its principal place of business or where its principal office or agency was located on the acquisition date.

(ii) *Perfection rule.* A statement of section 338 election filed on or after December 9, 1985, and on or before July 15, 1986, that does not comply with the applicable procedures prescribed in paragraph (m)(2) of this section is perfected by refile in accordance with those procedures the statement of election on or before July 15, 1986, along with a copy of the previously filed statement of election.

(5) *Documents required under paragraph (m)(2) of this section.* The documents required by this subparagraph (5) for each relevant taxable year are—

(i) A photocopy of the face page of the income tax return (and of any amended return or returns) filed for the taxable year, and

(ii) A photocopy of any extension, consent, or other document previously entered into or filed which extended the statute of limitations on assessment for the year.

(6) *Contents of Form 872.*—(i) *In general.* For purposes of paragraph (m)(2)(i) of this section, for each relevant taxable year a Form 872 must be properly completed and executed in duplicate on behalf of each target or any affected corporation and must agree to

extend until May 15, 1987, the period for making an assessment with respect to any tax due as a result of the deemed sale under section 338(a)(1) by the target. A photocopy of Form 872 (including one on white paper) may be used instead of a copy supplied by the Internal Revenue Service.

(ii) *Restrictive language*—(A) *General language*. The following restrictive language shall be inserted as numbered paragraph (4) on the face page of any Form 872 to which this subparagraph (6) applies: "THIS CONSENT AND AGREEMENT IS LIMITED TO ANY FEDERAL TAX DUE FROM TAXPAYER (INCLUDING ACCRUED INTEREST THEREON) AS A RESULT OF THE DEEMED SALE OF ASSETS UNDER SECTION 338(a)(1) OF THE INTERNAL REVENUE CODE BY TAXPAYER" [if taxpayer is not the target, substitute name of target instead of last word].

(B) *Year which includes the acquisition date*. If the relevant taxable year of target includes the acquisition date, the Form 872 for that relevant taxable year shall contain the following language inserted as numbered paragraph (5): "THIS CONSENT AND AGREEMENT COVERS THE ENTIRE PERIOD ENDING ON THE DATE SET FORTH IN PARAGRAPH (1) OF THIS AGREEMENT, AS WELL AS ALL SHORT PERIODS WHICH RESULT AS A CONSEQUENCE OF THE SECTION 338 ELECTION AND WHICH END WITH OR WITHIN THAT ENTIRE PERIOD".

(7) *Closing agreement*—(i) *In general*. For purposes of paragraph (m)(2)(ii) and (iii) of this section, a separate closing agreement under section 7121 shall be submitted on Form 906 and must be properly completed and executed on behalf of each target or any affected corporation. For guidelines on preparation of closing agreements, see Rev. Proc. 68-16, 1968-1 C.B. 770. A photocopy of Form 906 (including one on white paper) may be used instead of a copy supplied by the Internal Revenue Service. In addition, a separate closing agreement under the provisions of paragraph (m)(2)(ii) of this section must be executed in triplicate for each relevant taxable year and contain the applicable language prescribed in paragraph (m)(7)(ii), (iii), and (iv) of this section. For special rules for applying the provisions of paragraph (m)(2)(iii) of this section with respect to a deemed sale return or a combined deemed sale return, see paragraph (m)(7)(v) of this section.

(ii) *Waiver of statute of limitations*—(A) *In general*. Each closing agreement required by paragraph (m)(2)(ii) of this section must contain an express waiver

of the statute of limitations on assessment (under section 6501(a)) and credit (under section 6402(a)) with respect to any Federal tax (including accrued interest thereon) required to be reported on any return or claim for refund for the relevant taxable year of the taxpayer, using the following language: "TAXPAYER AND COMMISSIONER AGREE TO WAIVE THE STATUTE OF LIMITATIONS FOR ASSESSMENT AND CREDIT WHICH (HAS EXPIRED OR WILL EXPIRE) ON [insert expiration date] FOR ANY FEDERAL TAX DUE OR REFUNDABLE (INCLUDING ACCRUED INTEREST THEREON) AS A RESULT OF THE DEEMED SALE OF ASSETS UNDER SECTION 338(a)(1) OF THE INTERNAL REVENUE CODE BY TAXPAYER" [if taxpayer is not the target, substitute name of target instead of last word].

(B) *Year which includes the acquisition date*. If the relevant taxable year is a taxable year of target which includes the acquisition date, the closing agreement for that relevant taxable year shall contain the following language in addition to the language contained in subdivision (m)(7)(ii)(A) of this section: "TAXPAYER ACKNOWLEDGES THAT THIS CLOSING AGREEMENT COVERS THE ENTIRE PERIOD DESCRIBED IN THE PRECEDING SENTENCE, AS WELL AS ALL SHORT PERIODS WHICH RESULT AS A CONSEQUENCE OF THE SECTION 338 ELECTION AND WHICH END WITH OR WITHIN THAT ENTIRE PERIOD".

(iii) *Amended returns*—(A) *In general*. Each closing agreement must contain an express agreement on behalf of the taxpayer to file an amended Federal income tax return or returns on or before November 3, 1986, for each relevant taxable year, and an acknowledgement that the statement of section 338 election will not be effective in the event of a failure to timely file any such amended return, unless the requirement of filing an amended return is waived by the District Director or his delegate.

(B) *Relevant taxable year which includes acquisition date*. For the relevant taxable year which includes the acquisition date, the following language shall be inserted in the closing agreement: "FOR THE RELEVANT TAXABLE YEAR COVERED BY THIS CLOSING AGREEMENT, TAXPAYER AGREES TO FILE ON OR BEFORE NOVEMBER 3, 1986 (IF NOT ALREADY FILED), THE FOLLOWING FEDERAL INCOME TAX RETURNS(S): (1) AN AMENDED RETURN AS OLD TARGET'S FINAL RETURN, AND (2) AN AMENDED RETURN FOR NEW TARGET'S FIRST TAXABLE YEAR

ENDING ON [insert date]. TAXPAYER ACKNOWLEDGES THAT A STATEMENT OF ELECTION UNDER SECTION 338 WILL NOT BE EFFECTIVE IF THE FEDERAL INCOME TAX RETURN(S) COVERED BY THIS CLOSING AGREEMENT (IS) (ARE) NOT FILED ON A TIMELY BASIS, UNLESS SUCH REQUIREMENT IS WAIVED IN WRITING BY THE DISTRICT DIRECTOR OR HIS DELEGATE." If the acquisition date occurs on the last day of target's relevant taxable year or if new target does not have a taxable year that terminates within the relevant taxable year, then the language in (2) of this subdivision (B) shall be omitted. If new target has more than one taxable year ending within the relevant taxable year covered by a closing agreement governed by this subdivision (B), then appropriate language referring to the amended returns for those years shall be added to the closing agreement, using the format set forth in this subdivision (B).

(C) *Other relevant taxable years*. For a relevant taxable year which does not include the acquisition date, the following language shall be inserted in the closing agreement: "TAXPAYER AGREES TO FILE AN AMENDED FEDERAL INCOME TAX RETURN ON OR BEFORE NOVEMBER 3, 1986, FOR THE RELEVANT TAXABLE YEAR COVERED BY THIS CLOSING AGREEMENT. TAXPAYER ACKNOWLEDGES THAT A STATEMENT OF ELECTION UNDER SECTION 338 WILL NOT BE EFFECTIVE IF ANY FEDERAL INCOME TAX RETURN COVERED BY THIS CLOSING AGREEMENT IS NOT FILED ON OR BEFORE NOVEMBER 3, 1986, UNLESS SUCH REQUIREMENT IS WAIVED IN WRITING BY THE DISTRICT DIRECTOR OR HIS DELEGATE."

(D) *Section 338(h)(10) election*. The second quoted sentence in subdivision (iii) (B) and (C) of this paragraph (m)(7) shall be omitted from any closing agreement for a relevant taxable year of a selling group referred to in paragraph (m)(11)(ii)(A) of this section (relating to section 338(h)(10) election).

(E) *Waiver of certain additions to tax and time to act*. See § 1.338-1T(h) for rules applicable to the waiver of certain additions to tax and time to act.

(iv) *Consent to extend expiration date*. Each closing agreement must contain an express consent to extend until June 15, 1988, the period for further assessment (under section 6501(a)) or credit (under section 6402(a)) of any tax due or refundable (including accrued interest

thereon) for any relevant taxable year resulting from the deemed sale under section 338(a)(1), using the following language: "TAXPAYER AND COMMISSIONER AGREE TO EXTEND UNTIL JUNE 15, 1988, THE PERIOD FOR MAKING ANY FURTHER ASSESSMENT OR CLAIMING ANY CREDIT OF ANY FEDERAL TAX DUE OR REFUNDABLE (INCLUDING ACCRUED INTEREST THEREON) AS A RESULT OF THE DEEMED SALE OF ASSETS UNDER SECTION 338(a)(1) BY TAXPAYER" [If taxpayer is not the target, substitute name of target instead of last word].

(v) *Special rule for deemed sale return or combined deemed sale return*—(A) *In general.* For purposes of paragraph (m)(2)(iii) of this section, if a target is required to file a deemed sale return (as defined in paragraph (f)(3)(i) of this section), then a separate closing agreement with respect to that deemed sale return must be filed in triplicate in order to make an effective election under section 338. The closing agreement shall contain the following language: "TAXPAYER AGREES TO FILE ON OR BEFORE NOVEMBER 3, 1986 (IF NOT ALREADY FILED), A DEEMED SALE RETURN REFLECTING THE CONSEQUENCES OF THE DEEMED SALE OF ASSETS BY TAXPAYER [if taxpayer is not the target, substitute the name of target instead of last word] UNDER SECTION 338. TAXPAYER ACKNOWLEDGES THAT A STATEMENT OF ELECTION UNDER SECTION 338 WILL NOT BE EFFECTIVE IF THE DEEMED SALE RETURN IS NOT FILED ON A TIMELY BASIS, UNLESS SUCH REQUIREMENT IS WAIVED IN WRITING BY THE DISTRICT DIRECTOR OR HIS DELEGATE. TAXPAYER FURTHER AGREES THAT THE STATUTE OF LIMITATIONS ON ASSESSMENT FOR ANY FEDERAL TAX DUE AS A RESULT OF THE DEEMED SALE OF ASSETS BY TAXPAYER [if taxpayer is not the target, substitute the name of target instead of last word] UNDER SECTION 338 WILL NOT TERMINATE PRIOR TO THE EXPIRATION OF THREE YEARS FROM THE DATE THE DEEMED SALE RETURN IS ACTUALLY FILED."

(B) *Combined deemed sale return.* All targets which are eligible to file a combined deemed sale return (as defined in section 338(h)(15) and § 1.338-4T(k)(6)) may join together in a combined deemed sale closing agreement, instead of filing a separate closing agreement for each target under paragraph (m)(7)(v)(A) of this section. If a combined deemed sale closing

agreement is filed, then a combined deemed sale return must be filed. The combined deemed sale closing agreement shall contain the language prescribed in paragraph (m)(7)(v)(A) of this section, except that the words "COMBINED DEEMED SALE RETURN" shall be substituted for "DEEMED SALE RETURN," the word "TAXPAYER" shall be expressed in the singular or plural (as the case may be), and each target's name shall be inserted in place of "TAXPAYER", if appropriate. A list containing the name, address, and employer identification number of each target which is joining in the combined deemed sale closing agreement shall be included in the text of the combined deemed sale closing agreement. If the targets included in the combined deemed sale closing agreement constitute a single affiliated group within the meaning of section 1504(a), the combined deemed sale closing agreement shall be signed by an officer of the common parent of that group. Otherwise, the combined deemed sale closing agreement must be signed by an officer of each target included in the combined deemed sale closing agreement.

(8) *Execution of Form 872 or Form 906*—(i) *On behalf of Commissioner.* Any Form 872 or Form 906 properly submitted pursuant to the requirements in this paragraph (m) will be executed on behalf of the Commissioner of Internal Revenue and an executed copy of each Form 872 and each Form 906 will be returned to the originating party.

(ii) *On behalf of target.* If target was included on a consolidated return filed by the purchasing group for a relevant taxable year, the common parent of the purchasing group shall be the proper party to execute any Form 872 or Form 906 required by this paragraph (m) for that year. See § 1.1502-77(a).

(9) *Exceptions.* This paragraph (m) shall not apply—

(i) If the statement of section 338 election has been filed before December 9, 1985, or after July 15, 1986.

(ii) If there is no relevant taxable year of a target, affected target, or affected corporation for which the statute of limitations expires on or before November 15, 1986.

(iii) With respect to the taxable year of a selling group that files a consolidated return for the period that includes the acquisition date, if the binding contract rule in paragraph (l) of this section applies, or

(iv) With respect to the taxable year of a person that includes the acquisition date of a target, if (A) the target is a DISC, a controlled foreign corporation,

or a domestic corporation described in section 1248 (e) and (B) the person actually transfers the target stock (as distinguished from being treated under section 338(a)(1) as having sold it).

(10) *Statute of limitations on assessment*—(i) *General rule.* For purposes of applying this paragraph (m), the statute of limitations on assessment is considered to begin to run for a relevant taxable year, and any short period of target which may result as a consequence of a section 338 election that ends with or within that relevant taxable year, on the date target is considered under section 6501(b) to have filed its return for that relevant taxable year.

(ii) *Deemed sale return.* If old target's final return is a deemed sale return (within the meaning of paragraph (f)(3)(i) of this section) or a combined deemed sale return (within the meaning of section 338(h)(15)), then the period for assessment under section 6501 does not begin to run until such deemed sale return or combined deemed sale return is filed.

(11) *Section 338(h)(10)*—(i) *Scope.* This subparagraph (11) provides rules for applying this paragraph (m) as a condition for electing to report the consequences of old target's deemed sale of its assets under section 338(a)(1) on the selling group's consolidated return under section 338(h)(10).

(ii) *Application.* If this subparagraph (11) applies, then—

(A) A relevant taxable year under paragraph (m)(3) of this section is considered to include the period for which a consolidated return of the selling group is filed that includes the acquisition date.

(B) Any document executed or item submitted by the common parent of the selling group on behalf of that entire group with respect to that relevant taxable year is considered to be on behalf of old target (see § 1.1502-77(a)).

(12) *Affected taxable years of affected corporations.* For purposes of this paragraph (m)—

(i) *Affected taxable year.* A taxable year is affected by the section 338 election if Federal tax for that year is increased or decreased as a result of the section 338 election. For example, an affected taxable year may arise if target originally filed a return for a period which ended on or after the acquisition date and the deemed sale of assets results in additional Federal tax due from target for that period, or if consideration for stock included in a qualified stock purchase is contingent and receipt of that consideration subsequent to the acquisition date is

reported on new target's return under § 1.338(b)-3T(h).

(ii) *Affected corporation.* An affected corporation is a corporation that has a basis in an asset transferred to it by a new target or another affected corporation that is determined in whole or in part by reference to the asset's basis in the hands of the transferor.

(13) *Discretion of the District Director.*—(i) *General standard.* In exercising discretion to waive any of the requirements prescribed under this paragraph (m) for any statement of section 338 election or amended returns, the District Director or his delegate shall consider all of the relevant facts and circumstances.

(ii) *Time when discretion is exercised.* The discretion of the District Director or his delegate under this paragraph (m) can be exercised at any time in connection with the examination of any Federal income tax return which would be affected by a section 338 election.

(14) *Applicability of the mitigation provisions.* For application of the mitigation provisions contained in sections 1311-1314, see § 1.338-4T (l)(5).

(15) *Examples.* The provisions of this paragraph (m) may be illustrated by the following examples.

Example (1). (i) T is an unaffiliated corporation filing income tax returns on the basis of a fiscal year ending February 28. At the close of January 20, 1983, P acquires all of T's stock in a qualified stock purchase. P does not file consolidated returns. On May 15, 1983, T timely files an income tax return (without extensions) for its taxable year beginning on March 1, 1982, and ending February 28, 1983. On May 14, 1986, P files a statement of election under section 338 which (if effective) would cause T's taxable year ending on February 28, 1983, to be divided into two periods. The first period for "old T" ends on the close of the acquisition date (January 20, 1983), and the second period for "new T" begins the next day. For T's taxable year ending February 28, 1983, the statute of limitations expires on May 15, 1986. In order for the section 338 election to be effective, the statement of election must be filed in accordance with the requirements of paragraph (m)(2)(ii) of this section. Thus, for example, there must be filed with the election, in the form prescribed in paragraph (m)(7) of this section, a closing agreement for T's taxable year ending on February 28, 1983, for which T's return was filed on May 15, 1983, extending the time within which assessments can be made until June 15, 1986. This closing agreement will cover the two periods into which that taxable year has now been divided. Additionally, the closing agreement must provide that on or before November 3, 1986, T must file old target's final return for the taxable year ending on January 20, 1983, and an amended return for the taxable year ending on February 28, 1983. The section 338 election will be ineffective unless the closing agreement procedures are

followed and T files on or before November 3, 1986, the required returns, unless the District Director, in his discretion, waives any failure by P or T to comply with these requirements. However, in order for the waiver provisions contained in paragraph (h) of this section to apply, the amended returns must be filed on or before the last day for making an election under section 338, i.e., July 15, 1986.

(ii) T also timely filed an income tax return (without extensions) on May 15, 1984, for its taxable year beginning on March 1, 1983, and ending on February 29, 1984. Since the statute of limitations on assessment for the income tax return filed on May 15, 1984, expires on May 15, 1987, which is after November 15, 1986, the provisions contained in paragraph (m) of this section are not applicable with respect to that taxable year.

Example (2). Assume the same facts as in *Example (1)* except that P files the statement of election on April 1, 1986, and that filing does not comply with the requirements of paragraph (m)(2)(ii) of this section. On July 6, 1986, under paragraph (m)(1)(ii) of this section, P perfects the election by refiling the election in accordance with the requirements of paragraph (m)(2)(ii) and (4)(ii) of this section. As long as T timely files on or before November 3, 1986, the returns which relate to the periods covered by the closing agreement (i.e., T's taxable years ending on January 20, 1983, and February 28, 1983), the section 338 election will be valid.

Example (3). Assume the same facts as in *Example (2)* except that P does not perfect the election. Under paragraph (m)(1)(iii) and (13) of this section, the election is ineffective unless the District Director waives the requirements of paragraph (m)(2) of this section.

Example (4). Assume the same facts as in *Example (2)* except that T does not timely file the returns covered by the closing agreement. The section 338 election is ineffective under paragraph (m)(13) of this section unless the District Director waives the timely filing requirement for the amended returns.

Example (5). Assume the same facts as in *Example (1)*. Assume further that T owns all the stock of T1 and that T1 uses the same taxable year as T. For the election to be effective, P must also file a closing agreement for T1 and T1 must file on or before November 3, 1986, the returns for the periods covered by T1's closing agreement unless those requirements are waived by District Director.

Example (6). Assume the same facts as in *Example (2)* except that T reports its income on the basis of a taxable year ending June 30. Assume further that on September 15, 1983, T timely filed an income tax return (without extensions) for its taxable year ending June 30, 1983, and that the statute of limitations for that year expires on September 15, 1986. In order for the section 338 election to be effective, the statement of election must be filed in accordance with the requirements of paragraph (m)(2)(i) of this section. Thus, for example, there must be filed with the election, in the form prescribed in paragraph (m)(6) of this section, a Form 872 for T's taxable year ending June 30, 1983, for which T's return was filed on September 15, 1983,

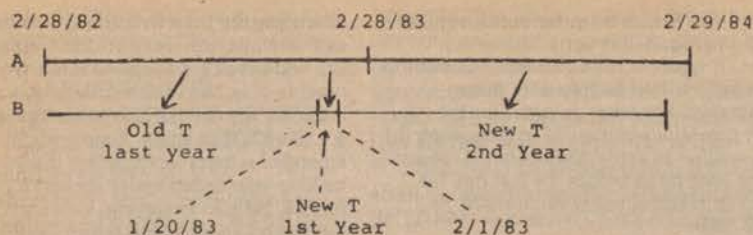
extending the time within which assessments can be made until May 15, 1987. This Form 872 will cover both periods into which the taxable year has been divided. However, in order for the waiver provisions contained in § 1.338-1T(h) to apply, T must file the amended returns on or before the last day for making an election under section 338, i.e., July 15, 1986. In any event, old target's final return and an amended return for the taxable year ending June 30, 1983, should be filed on or before May 15, 1987.

Example (7). Assume the same facts as in *Example (1)* except that T files its income tax returns on the basis of the calendar year and actually filed its returns for calendar year 1983 on March 3, 1984. No Form 872 or closing agreement is required for T's 1983 calendar year if the statute of limitations for that year expires after November 15, 1986. See paragraph (m)(1) and (9)(ii) of this section. The statute of limitations for new T's first taxable year and old T's period ending on the close of the acquisition date (January 20, 1983) did not start to run until the due date for T's 1983 return (March 15, 1984), and therefore cannot expire prior to March 15, 1987. See section 6501(b)(1) and paragraph (m)(10) of this section.

Example (8). (i) Assume the same facts as in *Example (1)* except that T, on its first tax return as new T filed on or before July 15, 1986, adopts a taxable year ending on January 31. The closing agreement referred to in *Example (1)* for the taxable year ending on February 28, 1983, will also operate to waive and extend the statute of limitations on assessment for new T's first taxable year which begins January 21, 1983, and ends on January 31, 1983. If T filed its first tax return as new T after July 15, 1986, it would not be permitted to adopt a taxable year different from the year T used before making the section 338 election. See paragraph (f)(7)(ii) of this section.

(ii) The tax consequences of new T's operations for the period that begins on February 1, 1983, and ends on February 28, 1983, will now have to be reported on an amended return which should be filed by new T for its second taxable year which begins on February 1, 1983, and ends on January 31, 1984. The statute of limitations on assessment for new T's second taxable year is controlled by the due date of the return T originally filed (without regard to the section 338 election) on May 15, 1984, for its taxable year ending February 29, 1984, which includes the last day of new T's second taxable year (i.e., January 31, 1984). Because the statute of limitations on assessment for the taxable year ending on February 29, 1984, does not expire until May 15, 1987, the provisions of paragraph (m) does not apply to new T's second taxable year.

(iii) The results of this example may be summarized with time lines. Line A represents taxable years of T for which returns were filed prior to the time that a section 338 statement of election was filed. Line B represents taxable years of old T and new T reflecting such election. Arrows show dates on Line A when T's tax returns were filed, which started the statute of limitations running for the taxable periods shown on Line B.



Example (9). Assume the same facts as in **Example (1)** except that T, on its first tax return as new T filed on or before July 15, 1986, adopts a taxable year ending on April 30. The closing agreement referred to in **Example (1)** for the taxable year ending on February 28, 1983, will waive and extend the statute of limitations on assessment only for old T's taxable year ending on January 20, 1983. The tax consequences of new T's operations for new T's taxable year which begins on January 20, 1983, and ends on April 30, 1983, will have to be reported on an amended return filed for that period. The statute of limitations on assessment for new T's first taxable year is controlled by the due date of the return T originally filed (without regard to the section 338 election) on May 15, 1984, for its taxable year ending February 29, 1984, which includes the last day of new T's first taxable year, (i.e., April 30, 1983). Because the statute of limitations on assessment for the taxable year ending on February 29, 1984, does not expire until May 15, 1987, the provisions of paragraph (m) do not apply to new T's first taxable year.

Example (10). All of T's stock is owned by S, which is included in a consolidated return that is filed for the S group on the basis of a fiscal year ending January 31. At the close November 15, 1982, P acquired all of T's stock in a qualified stock purchase. P is the common parent of an affiliated group that files consolidated returns on the basis of a calendar year. On July 1, 1986, P files a statement of election under section 338 for T. As a result of the acquisition, the results of T's operations through the close of business on November 15, 1982, was originally reported on the consolidated return for the S group which was timely filed on April 15, 1983. The results of T's operations from November 16, 1982, through December 31, 1982, were originally reported on the consolidated return for the P group, which was timely filed on March 15, 1983. Because T must file a deemed sale return (within the meaning of paragraph (f)(3)(i) of this section) and the acquisition date occurred on or before November 15, 1983, in order for the section 338 election to be effective, the closing agreement and other procedures required by paragraph (m)(2)(iii) and (7)(v) of this section must be followed and the deemed sale return must be filed on or before November 3, 1983, unless those requirements are waived by the District Director.

Par. 3. Section 1.338-2T is amended by removing, from each place they appear in **Example (1)** and **Example (2)** of paragraph (j), the words "August 23,

1985" and by adding in their place the words "July 15, 1986".

Par. 4. Section 1.338-4T is amended as follows:

1. Paragraph (a)(3) is amended by adding immediately after item (l)(4) a new item (l)(5) to read as follows: "(5) Application of mitigation provisions."

2. Paragraph (a)(4) is amended by adding in the second table immediately after the line "1248 (e) . . . (b)(6)" the following new line: "1311 . . . (l)(5)".

3. Paragraph (l) is amended by adding at the end thereof new subparagraph (5) to read as set forth below.

4. Paragraph (f)(6) (iv) Answer (i)(C)(l) is amended by removing the word "March" and by adding in its place the word "July".

5. Paragraph (j)(2) Answer 5(i) is amended by removing from the third sentence the word "March" and by adding in its place the word "July".

§ 1.338-4T Questions and answers relating to miscellaneous issues under section 338 (temporary).

(l) *Miscellaneous matters affecting new T.* * * *

(5) *Application of mitigation provisions.*

Question: For purposes of applying sections 1311-1314 (relating to the mitigation of the effect of limitations), in the absence of a section 338(h)(10) election, are old T and new T to be treated as being the same taxpayer?

Answer: Yes.

Par. 5. Section 1.338-5T is amended as follows:

1. Paragraph (a)(2) is amended by removing from the outline of topics at both (j)(8) (ii) and (iii) the word "March" and by adding in both places the word "July".

2. Paragraph (c)(2)(v)(C) is amended by removing, from each place it appears, the word "March" and by adding in its place the word "July".

3. Subdivisions (ii) and (iii) of paragraph (j)(8) are each amended by removing from the heading and from the text the word "March" and by adding in

both places in each such subdivision the word "July".

Par. 6. Section 1.338(h)(10)-1T(d) is amended by—

1. Removing, from each place it appears in subparagraph (7) (i) and (ii), the word "March" and by adding in its place the word "July".

2. Adding at the end thereof new subparagraph (9) to read as follows:

§ 1.338(h)(10)-1T Elective recognition by selling consolidated group of deemed sale gain or loss on target's assets (temporary).

(d) *Time and manner of making section 338(h)(10) election.* * * *

(9) *Special rules.* See § 1.338-1T(m)(11) for special rules applicable to certain statements of section 338 election filed on or after December 9, 1985, and on or before July 15, 1986.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: May 6, 1986.

J. Roger Mentz,

Assistant Secretary of the Treasury.

[FR Doc. 86-10998 Filed 5-15-86; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Parts 1, 7, and 602

[T.D. 8087]

Income Taxes; Transfers of Property by U.S. Persons to Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary Income Tax Regulations relating to transfers of property by U.S. persons to foreign corporations. These regulations affect U.S. persons that transfer property to foreign corporations pursuant to the corporate organization, reorganization, or liquidation provisions of the Internal Revenue Code. They provide the public with guidance necessary to comply with the Tax Reform Act of 1984. In addition, the text of the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in

the proposed rules section of today's **Federal Register**.

DATES: These temporary regulations are generally applicable for transfers made after December 31, 1984, and are effective June 16, 1986.

FOR FURTHER INFORMATION CONTACT: Charles W. Culmer, of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-4336, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary Income Tax Regulations (26 CFR Part 1) under section 367 of the Internal Revenue Code of 1954, as amended by section 131 of the Tax Reform Act of 1984 (98 Stat. 662). The temporary regulations are issued under the authority contained in sections 367 (26 U.S.C. 367) and 7805 (26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Discussion

Statutory Provisions

The Tax Reform Act of 1984 substantially revised the rules that apply under section 367 to transfers of property by U.S. persons to foreign corporations. Section 367(a) now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of applying the corporate organization, reorganization, and liquidation rules to a U.S. person's transfer of property to the foreign corporation. Thus, transfers of property to foreign corporations will generally be treated as taxable exchanges. However, an exception is provided for transfers of property that will be used in the active conduct of a trade or business outside of the United States. Such transfers may be made tax-free. On the other hand, certain types of property are specified that may not be transferred free of tax, even if they are to be used in the active conduct of a trade or business. In addition, a special rule requires the recapture of previously deducted losses of a foreign branch, when the branch is transferred to a foreign corporation. New section 367(d) applies a special rule to certain transfers of intangible property to foreign corporations, requiring the U.S. transferor to recognize a U.S.-source deemed payment for the transferred property annually over the useful life of the property. Finally, new section 367(e) provides that liquidating distributions by domestic corporations under section

336 will be taxable under rules similar to those of section 367(a).

Need for Temporary Regulations

The effective date of the amendments to section 367 is January 1, 1985. The proper application of the section is dependent upon the Service's detailed specification by regulations of the manner in which the general requirements of the statute will be administered. Without this specification, taxpayers will be unable to make transfers to related foreign corporations with certainty as to the U.S. income tax consequences of the transfer. Because of the need for immediate guidance in this regard, for both the public and employees of the Internal Revenue Service, the Service has found it to be impracticable to issue these temporary regulations either with notice and public procedure under section 553(b) of Title 5 of the United States Code.

Description of Temporary Regulations

Section 1.367(a)-1T provides general rules describing the transfers of property that are subject to section 367(a), and explaining the effect of the section upon those transfers. A gain-limitation rule is provided in § 1.367(a)-1T(b)(3), ensuring that the gain recognized under section 367(a) upon a transfer of appreciated property is not greater than the gain that would be recognized on a normal taxable exchange. Detailed rules are provided in § 1.367(a)-1T(c) concerning various transactions that are considered to include a transfer subject to section 367(a). Relevant definitions are provided in § 1.367(a)-1T(d). Section 1.367(a)-1T(e) contains effective date provisions.

Section 1.367(a)-2T provides rules concerning the exception from section 367(a) for transfers of property that will be used in the active conduct of a trade or business outside of the United States. Paragraph (b) of the section separately defines the concepts of "trade or business," "active conduct," and "outside of the United States." Each standard must be met for a transfer to qualify for the exception.

Section 1.367(a)-3T provides rules concerning transfers of stock or securities to a foreign corporation in an exchange described in section 367(a). Paragraph (b) specifies certain transfers of stock that are not subject to section 367(a). Paragraph (c) provides rules concerning transfers of stock of domestic corporations. Such transfers are generally taxable, but several exceptions are provided. Paragraph (d) provides rules concerning transfers of stock of foreign corporations. Again, such transfers are generally taxable, but several exceptions are provided.

Paragraphs (e), (f), and (g) provide rules concerning the exceptions that are applicable under paragraphs (c) and (d). Under paragraph (e), a transfer of stock is not subject to section 367(a) if the transfer is for use in the active conduct of a trade or business, as defined in that paragraph. Paragraph (f) provides that a transfer is not subject to section 367(a) if the U.S. transferors of the stock obtain a limited interest in the transferee foreign corporation. Under paragraph (g), a transfer of stock is not subject to section 367(a) if the U.S. transferor agrees to recognize gain upon any subsequent disposition of the stock by the transferee foreign corporation. Finally, paragraph (h) sets forth two anti-abuse rules.

Section 1.367(a)-4T contains a series of special rules concerning the treatment of certain specified transfers of property. Paragraph (b) addresses transfers of depreciated property previously used in the United States, while paragraph (c) concerns property that will be leased by the transferee. Paragraph (d) concerns property to be sold by the transferee. Paragraph (e) specifies the circumstances in which oil and gas working interests will be considered to have been transferred for use in the active conduct of a trade or business. Paragraphs (f) and (g) provide exceptions from section 367(a) for transfers that are required by foreign governments and for transfers to FSCs.

Section 1.367(a)-5T provides rules concerning transfers of property that are subject to taxation by reason of section 367(a) regardless of whether the property will be used in the active conduct of a trade or business. These rules apply to transfers of inventory, installment obligations, foreign currency, intangible property, and leased property.

Section 1.367(a)-6T provides special rules relating to the incorporation of a foreign branch with previously deducted losses. Paragraph (b) provides generally that such losses must be recaptured by recognizing the gain realized on the transfer of the branch's assets. Paragraph (c) specifies the character of, and limitations on, the gain required to be recognized, while paragraphs (d) and (e) provide for adjustments to the amount of losses subject to recapture. Paragraph (f) provides an example. Finally, paragraph (g) defines the term "foreign branch."

Section 1.367(d)-1T provides rules under section 367(d) concerning transfers of intangible property by U.S. persons to foreign corporations. Paragraph (b) specifies the transfers that are subject to section 367(d), while

paragraph (c) provides rules concerning the consequences of such a transfer. In general, the U.S. transferor will be treated as receiving payments contingent on productivity or use of the transferred property, over the useful life of the property (regardless of whether such payments are in fact made by the transferee). Under a special transitional rule contained in § 1.367(a)-1T (d)(3)(iv), certain foreign marketing intangibles developed by a foreign branch and transferred prior to May 16, 1986, will not be subject to the rules of section 367(d). Transfers of such marketing intangibles made on or after that date are subject to the section 367(d) rules. Paragraphs (d), (e), and (f) provide rules for cases in which there is a later direct or indirect disposition of the intangible property transferred. In general, deemed license payments will continue if a transfer is made to a related person, while gain must be recognized immediately if the transfer is to an unrelated person. Paragraph (g) provides several special rules, including a rule allowing appropriate adjustments where deemed payments under section 367(d) are not in fact received by the U.S. transferor of the intangible property, and a rule providing for a limited election to treat certain transfers of intangible property as sales at fair market value (in lieu of applying the general useful life-contingent payment rule). In addition, paragraph (g) provides rules coordinating the application of section 367(d) with other relevant Code sections. Finally, paragraph (h) defines the term "related person" for purposes of section 367(d).

Section 1.6038B-1T provides rules concerning the information that is required to be reported under section 6038B with respect to transfers of property to foreign corporations. Paragraph (b) of the section explains when and how to report under section 6038B. Paragraphs (c) and (d) specify the information that is required to be reported with respect to transfers of property described in section 367 (a) and (d), respectively. Paragraph (e) is reserved to specify the information required to be reported with respect to transfers subject to section 367(e). Finally, paragraph (f) sets forth the consequences of a failure to comply with the requirements of section 6038B.

The temporary regulations do not provide rules concerning new section 367(e). When such regulations are issued, they will apply only on a prospective basis. The temporary regulations do, however, describe the situations in which section 367(a) will

apply to corporate liquidations under section 332.

Nonapplicability of Executive Order 12291

The Treasury Department has determined that these temporary regulations are not subject to Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Regulatory Flexibility Act

A general notice of proposed rulemaking is not required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule.

Paperwork Reduction Act

These regulations were submitted to The Office of Management and Budget for review under the Paperwork Reduction Act and approved under OMB number 1545-0026.

Drafting Information

The principal authors of these regulations are Charles W. Culmer of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, and Robert E. Culbertson, Jr., of the Office of the Associate Chief Counsel (International), Internal Revenue Service. Personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations.

List of Subjects

26 CFR 1.301-1-1.385-6

Income taxes, Corporations, Corporate distributions, Corporate adjustments, Reorganizations.

26 CFR 1.6001-1 Through 1.6109-2

Income taxes, Administrative practice and procedure, Filing requirements.

26 CFR Part 7

Income taxes, Tax Reform Act of 1976.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1, Part 7, and Part 602 are amended as follows:

Income Tax Regulations

Paragraph 1. The authority for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * Sections 1.367(a)-1T through 1.367(a)-7T also issued

under 26 U.S.C 367(a). Section 1.367(d)-1T also issued under 26 U.S.C 367(d). Section 1.6038B-1T also issued under 26 U.S.C 6038B.

§ 1.367(a)-1 [Removed]

Par. 2. Section 1.367(a)-1 is removed.

§ 1.367(a)-4T [Redesignated as § 1.367(a)-7T]

Par. 3. Section 1.367(a)-4T is redesignated as § 1.367(a)-7T.

Par. 4. Sections 1.367(a)-1T through 1.367(a)-6T are added immediately after § 1.362-2, to read as follows:

§ 1.367(a)-1T Transfers to foreign corporations subject to section 367(a): In general (temporary).

(a) *Purpose and scope of regulations.* These regulations set forth rules relating to the provisions of section 367(a) concerning certain transfers of property to foreign corporations. This § 1.367(a)-1T provides general rules explaining the effect of section 367(a)(1) and describing the transfers of property that are subject to the rule of that section. Section 1.367(a)-2T provides rules concerning the exception from the rule of section 367(a)(1) for transfers of property to be used in the active conduct of a trade or business outside of the United States. Rules concerning the application of section 367(a)(1) to transfers of stock or securities are provided in § 1.367(a)-3T, while § 1.367(a)-4T provides special rules regarding other specified transfers of property. Section 1.367(a)-5T describes types of property that are subject to the rule of section 367(a)(1) regardless of whether they are transferred for use in a trade or business. Section 1.367(a)-6T provides rules concerning the application of section 367(a) to the transfer of a branch with previously deducted losses. Finally, § 1.367(a)-7T contains transitional rules concerning transfers of intangible property to foreign corporations made after June 6, 1984 and before January 1, 1985. Rules explaining the operation of section 367(d), concerning transfers of intangible property pursuant to an exchange described in section 351 or 361, are provided in § 1.367(d)-1T. Rules concerning the reporting requirements of section 6038B are provided in § 1.6038B-1T.

(b) *General rules—(1) Foreign corporation not considered a corporation for purposes of certain transfers.* If a U.S. person transfers property to a foreign corporation in connection with an exchange described in section 332, 351, 354, 355, 356, or 361, then pursuant to section 367(a)(1) the foreign corporation shall not be considered to be a corporation for purposes of determining the extent to

which gain shall be recognized on the transfer. Section 367(a)(1) denies nonrecognition treatment only to transfers of items of property on which gain is realized. Thus, the amount of gain recognized because of section 367(a)(1) is unaffected by the transfer of items of property on which loss is realized (but not recognized). The transfers of property that are subject to section 367(a)(1) are further described in paragraph (c) of this section, and relevant definitions are provided in paragraph (d) of this section.

(2) *Cases in which foreign corporate status is not disregarded.* Section 367(a)(1) shall not apply, and a foreign corporate transferee shall, thus, be considered to be a corporation, in the case of any of the following:

(i) The transfer of stock or securities of a foreign corporation which is a party to the exchange or reorganization (as defined in section 368 (b));

(ii) The transfer of property for use in the active conduct of a trade or business outside of the United States in accordance with the rules of §§ 1.367(a)-2T through 1.367(a)-6T; or

(iii) Certain other transfers of property described in §§ 1.367(a)-2T through 1.367(a)-6T.

For the treatment of a transfer of stock or securities of a foreign corporation which is a party to the exchange or reorganization, see §§ 1.367(a)-3T(b)(1), 7.367(b)-4, and 7.367(b)-7.

(3) *Limitation of gain required to be recognized—(i) In general.* If a U.S. person transfers property to a foreign corporation in a transaction on which gain is required to be recognized under section 367(a) and regulations thereunder, then the gain required to be recognized by the U.S. person shall in no event exceed the gain that would have been recognized on a taxable sale of those items of property if sold individually and without offsetting individual losses against individual gains.

(ii) *Losses.* No loss may be recognized by reason of the operation of section 367.

(iii) *Ordinary income and capital gain.* If section 367(a) and regulations thereunder require the recognition of ordinary income and capital gain in excess of the limitation described in paragraph (b)(3)(i) of this section, then the limitation shall be imposed by making proportionate reductions in the amounts of ordinary income and capital gain, regardless of the character of the gain that would have been recognized on a taxable sale of the property.

(4) *Character, source, and adjustments—(i) In general.* If a U.S.

person is required to recognize gain under section 367 upon a transfer of property to a foreign corporation, then—

(A) The character and source of such gain shall be determined as if the property had been disposed of in a taxable exchange with the transferee foreign corporation (unless otherwise provided by regulation); and

(B) Appropriate adjustments to earnings and profits, basis, and other affected items shall be made according to otherwise applicable rules, taking into account the gain recognized because of section 367(a)(1). Any increase in the basis of the property received by the foreign corporation resulting from the application of section 367(a) and section 362 (a) or (b) shall be allocated over the transferred property with respect to which gain is recognized in proportion to the amount realized by the U.S. person on the transfer of each item of that property. See paragraph (c)(3) of this section for special rules applicable to transfers of partnership interests.

(ii) *Example.* The rules of this paragraph (b)(4) are illustrated by the following example.

Example. Domestic corporation DC transfers inventory with a fair market value of \$1 million and adjusted basis of \$800,000 to foreign corporation FC in an exchange for stock of FC that is described in section 351 (a). Title passes within the U.S. Pursuant to section 367(a), DC is required to recognize gain of \$200,000 upon the transfer. Under the rule of this paragraph (b)(4), such gain shall be treated as ordinary income (sections 1201 and 1221) from sources within the U.S. (section 861) arising from a taxable exchange with FC. Appropriate adjustments to earnings and profits, basis, etc., shall be made as if the transfer were subject to section 351. Thus, for example, DC's basis in the FC stock received, and FC's basis in the transferred inventory, will each be increased by the \$200,000 gain recognized by DC, pursuant to sections 358(a)(1) and 362(a), respectively.

(c) *Transfers described in section 367(a)(1)—(1) In general.* A transfer described in section 367(a)(1) is any transfer of property by a U.S. person to a foreign corporation pursuant to an exchange described in section 332, 351, 354, 355, 356, or 361. Section 367(a)(1) applies to such a transfer whether it is made directly, indirectly, or constructively. Indirect or constructive transfers that are described in section 367(a)(1) include the transfers described in subparagraphs (2) through (7) of this paragraph (c). See § 1.367(a)-3T(b)(1) for rules relating to the transfer of stock or securities of a foreign corporation that is a party to the exchange or the reorganization.

(2) *Indirect transfers in certain reorganizations—(i) Mergers described in section 368(a)(1)(A)—(A) In general.*

A transfer in connection with a reorganization described in section 368(a)(1)(A) to which either section 368(a)(2) (D) or (E) applies may be an indirect transfer described in section 367(a)(1) if the reorganization involves the merger of two domestic corporations and if stock of a foreign corporation which controls one of such domestic corporations is exchanged in the reorganization. The transfers in connection with such a reorganization that are described in section 367(a)(1) are specified in subdivisions (B) and (C) of this paragraph (c)(2)(i). If a transfer in connection with such a reorganization is described in section 367(a)(1), then the rules of § 1.367(a)-3T shall apply to determine whether the U.S. transferor is required to recognize gain with respect to the transfer.

(B) *Mergers to which section 368(a)(2)(D) applies.* A U.S. shareholder of a domestic corporation shall be considered to make a transfer of stock that is described in section 367(a)(1) if—

(1) The domestic corporation transfers substantially all of its properties to another domestic corporation in connection with a reorganization described in section 368(a)(1)(A) to which section 368(a)(2)(D) applies; and

(2) The controlling corporation (within the meaning of section 368(a)(2)(D)) is a foreign corporation.

The indirect transfer of stock by the shareholder shall be subject to the provisions of § 1.367(a)-3T.

Example. F, a foreign corporation, owns all the stock of S, a domestic corporation. In a reorganization described in section 368(a)(1)(A) to which section 368(a)(2)(D) applies, S acquires substantially all the properties of W, a domestic corporation, in a merger of W into S. The stock of F is used as consideration. The reorganization is considered to constitute a transfer of stock described in section 367(a)(1) by the shareholders of W that are U.S. persons.

(C) *Mergers described in section 368(a)(1)(A) to which section 368(a)(2)(E) applies.* A shareholder of a domestic corporation that is a U.S. person shall be considered to make a transfer of stock that is described in section 367(a)(1) if—

(1) The domestic corporation acquires substantially all of the properties of another domestic corporation in connection with a reorganization described in section 368(a)(1)(A) to which section 368(a)(2)(E) applies; and

(2) The controlling corporation (within the meaning of section 368(a)(2)(E)) is a foreign corporation.

The indirect transfer of stock by the shareholder shall be subject to the provisions of § 1.367(a)-3T.

(ii) *Reorganizations described in section 368(a)(1)(B).* If, in connection with a reorganization described in section 368(a)(1)(B), a U.S. person exchanges stock of a domestic corporation for voting stock of a foreign corporation that is in control (as defined in section 368(c)) of the domestic acquiring corporation, then that U.S. person is considered to make a transfer of stock that is subject to section 367(a)(1). The rule of this paragraph (c)(2)(ii) is illustrated by the following example.

Example. F, a foreign corporation, owns all the stock of S, a domestic corporation. In a reorganization described in section 368(a)(1)(B), S acquires all the stock of domestic corporation Y, and the shareholders of Y receive voting stock of F. The reorganization includes an indirect stock transfer described in section 367(a)(1) by those shareholders of Y who are U.S. persons.

(iii) *Reorganization described in section 368(a)(1)(C).* A U.S. shareholder of a domestic corporation shall be considered to make a transfer of stock that is subject to section 367(a)(1) if—

(A) The domestic corporation transfers substantially all of its properties to another domestic corporation in connection with a reorganization described in section 368(a)(1)(C); and

(B) The domestic corporation receives voting stock in a foreign corporation that is in control (as defined in section 368(c)) of the acquiring corporation (and distributes the stock to its shareholders in accordance with section 368(a)(2)(G)). The rule of this paragraph (c)(2)(iii) is illustrated by the following example.

Example. F, a foreign corporation, owns all of the stock of S, a domestic corporation. In a reorganization described in section 368(a)(1)(C), S acquires substantially all of the properties of Z, a domestic corporation, and Z receives voting stock of F (and distributes the stock to its shareholders). The reorganization is considered to include an indirect transfer of stock described in section 367(a)(1) by the shareholders of Z that are U.S. persons.

(3) *Indirect transfers involving partnerships and interests therein—(i) Transfer by partnership treated as transfer by partners—(A) In general.* If a partnership (whether foreign or domestic) transfers property to a foreign corporation in an exchange described in section 367(a)(1), then a U.S. person that is a partner in the partnership shall be treated as having transferred a proportionate share of the property in an exchange described in section 367(a)(1). A U.S. person's proportionate share of partnership property shall be determined under the rules and

principles of sections 701 through 761 and the regulations thereunder. The rule of this paragraph (c)(3)(i)(A) is illustrated by the following example.

Example. P is a partnership having five equal general partners, two of whom are United States persons. P transfers property to F, a foreign corporation, in connection with an exchange described in section 351. The exchange includes an indirect transfer of property by the partners to F. The transfers of property attributable to those partners who are United States persons, that is, 40 percent of each asset transferred to F, are transfers described in section 367(a)(1). The gain (if any) recognized on the transfer of 40 percent of each asset to F is attributable to the two partners who are United States persons.

(B) *Special adjustments to basis.* If a U.S. person is treated under the rule of this paragraph (c)(3)(i) as having transferred a proportionate share of the property of a partnership in an exchange described in section 367(a), and is therefore required to recognize gain upon the transfer, then—

(1) The U.S. person's basis in the partnership shall be increased by the amount of gain recognized by him;

(2) Solely for purposes of determining the basis of the partnership in the stock of the transferee foreign corporation, the U.S. person shall be treated as having newly acquired an interest in the partnership (for an amount equal to the gain recognized), permitting the partnership to make an optional adjustment to basis pursuant to sections 743 and 754; and

(3) The transferee foreign corporation's basis in the property acquired from the partnership shall be increased by the amount of gain recognized by U.S. persons under this paragraph (c)(3)(i).

(ii) *Transfer of partnership interest treated as transfer of proportionate share of assets—(A) In general.* If a U.S. person transfers an interest as a partner in a partnership (whether foreign or domestic) in an exchange described in section 367(a)(1), then that person shall be treated as having transferred a proportionate share of the property of the partnership in an exchange described in section 367(a)(1). Accordingly, the applicability of the exception to section 367(a)(1) provided in § 1.367(a)-2T shall be determined with reference to the property of the partnership rather than the partnership interest itself. A U.S. person's proportionate share of partnership property shall be determined under the rules and principles of sections 701 through 761 and the regulations thereunder.

(B) *Special adjustments to basis.* If a U.S. person is treated under the rule of

paragraph (c)(3)(ii)(A) of this section as having transferred a proportionate share of the property of a partnership in an exchange described in section 367(a), and is therefore required to recognize gain upon the transfer, then—

(1) The U.S. person's basis in the stock of the transferee foreign corporation shall be increased by the amount of gain so recognized by that person;

(2) The transferee foreign corporation's basis in the transferred partnership interest shall be increased by the amount of gain recognized by the U.S. person; and

(3) Solely for purposes of determining the partnership's basis in the property held by it, the U.S. person shall be treated as having newly acquired an interest in the partnership (for an amount equal to the gain recognized), permitting the partnership to make an optional adjustment to basis pursuant to sections 743 and 754.

(C) *Limited partnership interest.* The transfer by a U.S. person of an interest in a partnership shall not be subject to the rules of paragraph (c)(3)(ii)(A) and (B) if—

(1) The interest transferred is a limited partnership interest; and

(2) Such interest is regularly traded on an established securities market.

Instead, the transfer of such an interest shall be treated in the same manner as a transfer of stock or securities. Thus, the consequences of such a transfer shall be determined under the rules of § 1.367(a)-3T. For purposes of this section, a limited partnership interest is an interest as a limited partner in a partnership that is organized under the laws of any State of the United States or the District of Columbia. Whether such an interest is regularly traded on an established securities market shall be determined under the provisions of paragraph (c)(3)(ii)(D) of this section.

(D) *Regularly traded on an established securities market—(1) Established securities market.* For purposes of this paragraph (c)(3)(ii), an established securities market is—

(i) A national securities exchange which is registered under section 6 of the Securities Exchange Act of 1934 (15 USC 78f);

(ii) A foreign national securities exchange which is officially recognized, sanctioned, or supervised by governmental authority; and

(iii) An over-the-counter market. An over-the-counter market is any market reflected by the existence of an inter-dealer quotation system. An inter-dealer quotation system is any system of general circulation to brokers and dealers which regularly disseminates

quotations of stock and securities by identified brokers or dealers, other than by quotation sheets which are prepared and distributed by a broker or dealer in the regular course of business and which contain only quotations of such broker or dealer.

(2) *Regularly traded.* A class of interests that is traded on an established securities market is considered to be regularly traded if it is regularly quoted by brokers or dealers making a market in such interests. A class of interests shall be presumed to be regularly traded if the entity has a total of 500 or more interest-holders.

(4) *Transfers by trusts and estates—(i) In general.* For purposes of section 367(a), a transfer of property by an estate or trust shall be treated as a transfer by the entity itself and not as an indirect transfer by its beneficiaries. Thus, a transfer of property by a foreign trust or estate (as defined in section 7701(a)(31)) is not described in section 367(a)(1), regardless of whether the beneficiaries of the trust or estate are U.S. persons. Similarly, a transfer of property by a domestic trust or estate may be described in section 367(a)(1), regardless of whether the beneficiaries of the trust or estate are foreign persons.

(ii) *Grantor trusts.* A transfer of a portion or all of the assets of a foreign or domestic trust to a foreign corporation in an exchange described in section 367(a)(1) is considered a transfer by any U.S. person who is treated as the owner of any such portion or all of the assets of the trust under sections 671 through 679.

(5) *Termination of election under section 1504(d).* Section 367(A) applies to the constructive reorganization and transfer of property from a domestic corporation to a foreign corporation that occurs upon the termination of an election under section 1504(d), which permits the treatment of certain contiguous country corporations as domestic corporations. The rule of this paragraph (c)(5) is illustrated by the following example.

Example. Domestic corporation Y previously made a valid election under section 1504(d) to have its wholly owned Canadian subsidiary, C, treated as a domestic corporation. On July 1, 1986, C fails to continue to qualify for the election under section 1504(d). A constructive reorganization described in section 368(a)(1)(D) occurs. The resulting constructive transfer of assets by "domestic" corporation C to Canadian corporation C upon the termination of the election is a transfer of property described in section 367(a)(1).

(6) *Changes in classification of an entity.* If a foreign entity is classified as an entity other than an association taxable as a corporation for United

States tax purposes, and subsequently a change is made in the governing documents, articles, or agreements of the entity so that the entity is thereafter classified as an association taxable as a corporation, the change in classification is considered a transfer of property to a foreign corporation in connection with an exchange described in section 351. For purposes of section 367(a)(1), the transfer of property is considered as made by the persons determined under the rules set forth in paragraph (c)(3) of this section with respect to partnerships, and paragraph (c)(4) (i) or (ii), with respect to trusts and estates, and the rules of such paragraphs apply determining whether a transfer described in section 367(a)(1) has been made.

(7) *Contributions to capital.* For rules with respect to the treatment of a contribution to the capital of a foreign corporation as a transfer described in section 367(a)(1), see section 367(c)(2) and the regulations thereunder.

(d) *Definitions.* The following definitions apply for purposes of this section and § 1.367(d)-1T.

(1) *United States person.* The term "United States person" includes those persons described in section 7701(a)(30). The term includes a citizen or resident of the United States, a domestic partnership, a domestic corporation, and any estate or trust other than a foreign estate or trust. (For definitions of these terms, see section 7701 and regulations thereunder.) For purposes of this section, an individual with respect to whom an election has been made under section 6013 (g) or (h) is considered to be a resident of the United States while such election is in effect. A nonresident alien or a foreign corporation will not be considered a United States person because of its actual or deemed conduct of a trade or business within the United States during a taxable year.

(2) *Foreign corporation.* The term "foreign corporation" has the meaning set forth in section 7701(a) (3) and (5) and § 301.7701-5.

(3) *Transfer.* For purposes of section 367 and regulations thereunder, the term "transfer" means any transaction that constitutes a transfer for purposes of sections 332, 351, 354, 355, 356, or 361, as applicable. A person's entering into a bona fide cost-sharing arrangement under § 1.482-2(d)(4) or acquiring rights to intangible property under such an arrangement shall not be considered a transfer of property described in section 367(a)(1). See § 1.6038B-1T(b)(3) for the date on which the transfer is considered to be made.

(4) *Property.* For purposes of section 367 and regulations thereunder, the term

"property" means any item that constitutes property for purposes of sections 332, 351, 354, 355, 356, or 361, as applicable.

(5) *Intangible property—(i) In general.* For purposes of section 367 and regulations thereunder, the term "intangible property" means knowledge, rights, documents, and any other intangible item within the meaning of section 936(h)(3)(B) that constitutes property for purposes of sections 332, 351, 354, 355, 356, or 361, as applicable. Such property shall be treated as intangible property for purposes of section 367 (a) and (d) and the regulations thereunder without regard to whether it is used or developed in the United States or in a foreign country and without regard to whether it is used in manufacturing activities or in marketing activities. A working interest in oil and gas properties shall not be considered to be intangible property for purposes of section 367 and the regulations thereunder.

(ii) *Operating intangibles.* An operating intangible is any intangible property of a type not ordinarily licensed or otherwise transferred in transactions between unrelated parties for consideration contingent upon the licensee's or transferee's use of the property. Examples of operating intangibles may include long-term purchase or supply contracts, surveys, studies, and customer lists.

(iii) *Foreign goodwill or going concern value.* Foreign goodwill or going concern value is the residual value of a business operation conducted outside of the United States after all other tangible and intangible assets have been identified and valued. For purposes of section 367 and regulations thereunder the value of the right to use a corporate name in a foreign country shall be treated as foreign goodwill or going concern value.

(iv) *Transitional rule for certain marketing intangibles.* For transfers occurring after December 31, 1984, and before May 16, 1986, for foreign trademarks, tradenames, brandnames, and similar marketing intangibles developed by a foreign branch shall be treated as foreign goodwill or going concern value.

(e) *Effective date of certain section—(1) In general.* Except as specifically provided to the contrary elsewhere in these sections, §§ 1.367(a)-1T through 1.367(a)-6T apply to transfers occurring after December 31, 1984.

(2) *Private rulings.* The taxpayer may rely on a private ruling under section 367(a) received by him before June 16, 1986.

(3) *Certain indirect transfers.* Sections 1.367(a)-1T(c)(2) (i) and (iii) and 1.367(a)-1T(c)(3) apply to transfers made after June 16, 1986. For transfers made before that date, see 26 CFR § 1.367(a)-1(b) (revised as of April 1, 1986).

§ 1.367(a)-2T Exception for transfers of property for use in the active conduct of a trade or business (temporary).

(a) *In general.* Section 367(a)(1) shall not apply to property transferred to a foreign corporation if—

(1) Such property is transferred for use by that corporation in the active conduct of a trade or business outside of the United States; and

(2) The U.S. person that transfers the property complies with the reporting requirements of section 6038B and regulations thereunder.

Where these conditions are satisfied, the foreign corporate transferee of the property shall be considered to be a corporation for purposes of determining the extent to which gain or loss is required to be recognized upon the transfer pursuant to section 332, 351, 354 [reserved as to section 355 or so much of section 356 as relates to section 355], 356, or 361. Paragraph (b) of this section provides rules concerning the requirement that property be transferred for use in the active conduct of a trade or business outside of the United States, while paragraph (c) concerns the application of the requirement where the transferee itself re-transfers the property. In addition, § 1.367(a)-3T provides rules concerning the treatment of stock or securities transferred to a foreign corporation in an exchange described in section 367(a)(1), and § 1.367(a)-4T provides special rules concerning the treatment of other specified types of property. Finally, §§ 1.367(a)-5T and 1.367(a)-6T provide rules concerning certain transfers of property that are subject to section 367(a)(1) regardless of whether the property is used in the active conduct of a trade or business.

(b) *Active conduct of a trade or business outside the United States—(1) In general.* Property qualifies for the exception provided by this section if it is transferred to a foreign corporation for use in the active conduct of a trade or business outside of the United States. Therefore, to determine whether property is subject to the exception provided by this section, four factual determinations must be made:

(i) What is the trade or business of the transferee;

(ii) Do the activities of the transferee constitute the active conduct of that trade or business;

(iii) Is the trade or business conducted outside of the United States; and

(iv) Is the transferred property used or held for use in the trade or business?

Rules concerning these four determinations are provided in paragraphs (b) (2), (3), (4), and (5) of this section.

(2) *Trade or business.* Whether the activities of a foreign corporation constitute a trade or business must be determined under all the facts and circumstances. In general, a trade or business is a specific unified group of activities that constitute (or could constitute) an independent economic enterprise carried on for profit. For example, the activities of a foreign selling subsidiary could constitute a trade or business if they could be independently carried on for profit, even though the subsidiary acts exclusively on behalf of, and has operations fully integrated with, its parent corporation. To constitute a trade or business, a group of activities must ordinarily include every operation which forms a part of, or a step in, a process by which an enterprise may earn income or profit. In this regard, one or more of such activities may be carried on by independent contractors under the direct control of the foreign corporation. (However, see paragraph (b)(3) of this section.) The group of activities must ordinarily include the collection of income and the payment of expenses. If the activities of a foreign corporation do not constitute a trade or business, then the exception provided by this section does not apply, regardless of the level of activities carried on by the corporation. The following activities are not considered to constitute by themselves a trade or business for purposes of this section:

(i) Any activity giving rise to expenses that would be deductible only under section 212 if the activities were carried on by an individual; or

(ii) The holding for one's own account of investments in stock, securities, land, or other property, including casual sales thereof.

(3) *Active conduct.* Whether a trade or business is actively conducted must be determined under all the facts and circumstances. In general, a corporation actively conducts a trade or business only if the officers and employees of the corporation carry out substantial managerial and operational activities. A corporation may be engaged in the active conduct of a trade or business even though incidental activities of the trade or business are carried out on behalf of the corporation by independent contractors. In determining

whether the officers and employees of the corporation carry out substantial managerial and operational activities, however, the activities of independent contractors shall be disregarded. On the other hand, the officers and employees of the corporation are considered to include the officers and employees of related entities who are made available to and supervised on a day-to-day basis by, and whose salaries are paid by (or reimbursed to the lending related entity by), the transferee foreign corporation. Whether a trade or business that produces rents or royalties is actively conducted shall be determined under the principles of § 1.954-2(d)(1) (but without regard to whether the rents or royalties are received from an unrelated person). The rule of this paragraph (b)(3) is illustrated by the following example.

Example. X, a domestic corporation, and Y, a foreign corporation not related to X, transfer property to Z, a newly formed foreign corporation organized for the purpose of combining the research activities of X and Y. Z contracts all of its operational and research activities to Y for an arm's-length fee. Z's activities do not constitute the active conduct of a trade or business.

(4) Outside of the United States.

Whether a foreign corporation conducts a trade or business outside of the United States must be determined under all the facts and circumstances. Generally, the primary managerial and operational activities of the trade or business must be conducted outside the United States and immediately after the transfer the transferred assets must be located outside the United States. Thus, the exception provided by this section would not apply to the transfer of the assets of a domestic business to a foreign corporation if the domestic business continued to operate in the United States after the transfer. In such a case, the primary operational activities of the business would continue to be conducted in the United States. Moreover, the transferred assets would be located in the United States. However, it is not necessary that every item of property transferred be used outside of the United States. As long as the primary managerial and operational activities of the trade or business are conducted outside of the United States and substantially all of the transferred assets are located outside the United States, incidental items of transferred property located in the United States may be considered to have been transferred for use in the active conduct of a trade or business outside of the United States.

(5) *Use in the trade or business.* Whether property is used or held for use

in a trade or business must be determined under all the facts and circumstances. In general, property is used or held for use in a foreign corporation's trade or business if it is—

- (i) Held for the principal purpose of promoting the present conduct of the trade or business;
- (ii) Acquired and held in the ordinary course of the trade or business; or
- (iii) Otherwise held in a direct relationship to the trade or business. Property is considered held in a direct relationship to a trade or business if it is held to meet the present needs of that trade or business and not its anticipated future needs.

Thus, property will not be considered to be held in a direct relationship to a trade or business if it is held for the purpose of providing for future diversification into a new trade or business, future expansion of trade or business activities, future plant replacement, or future business contingencies.

(c) *Property transferred by transferee corporation*—(1) *General rule.* If a foreign corporation receives property in an exchange described in section 367(a)(1) and as part of the same transaction transfers the property to another person, then the exception provided by this section shall not apply to the initial transfer. For purposes of the preceding sentence, a subsequent transfer within six months of the initial transfer shall be considered to be part of the same transaction, and a subsequent transfer more than six months after the initial transfer may be considered to be part of the same transaction upon the application of step-transaction principles.

(2) *Exception.* Notwithstanding paragraph (c)(1) of this section, the active conduct exception provided by this section shall apply to the initial transfer if—

- (i) The initial transfer is followed by one or more subsequent transfers described in section 351 or 721; and
 - (ii) Each subsequent transferee is either a partnership in which the preceding transferor is a general partner or a corporation in which the preceding transferor owns common stock; and
 - (iii) The ultimate transferee uses the property in the active conduct of a trade or business outside the United States.
- (d) *Transitional rule.* Notwithstanding any other provision of this section, property shall be considered to have been transferred for use in the active conduct of a trade or business outside of the United States, if—

(1) The property was transferred after December 31, 1984, and before June 16, 1986;

(2) The property was, or would have been, considered to be transferred for use by the transferee foreign corporation in the active conduct, in any foreign country, or a trade or business, under the principles of section 3.02(1) of Revenue Procedure 68-23, 1968-1 C.B. 821; and

(3) Based on all of the facts and circumstances, it was, or would have been, determined under section 2.02 of Revenue Procedure 68-23 that tax avoidance was not one of the principal purposes of the transaction.

§ 1.367(a)-3T Treatment of transfers of stock or securities to foreign corporations (temporary).

(a) *In general.* This section provides rules concerning the transfer of stock or securities to a foreign corporation in an exchange described in section 367(a)(1). In general, a transfer of stock or securities by a U.S. person to a foreign corporation in connection with any exchange described in section 332, 351, 354 [reserved as to section 355 and so much of section 356 as relates to section 355], 356, or 361, is subject to section 367(a)(1) (and, therefore, treated as a taxable exchange) unless one of the exceptions set forth in this section applies to the transfer. Paragraph (b) of this section specifies certain transactions that are not subject to section 367(a)(1), while paragraph (c) provides rules concerning the treatment of transfers of stock or securities of domestic corporations pursuant to any exchange described in section 367(a)(1). Paragraph (d) of this section provides rules concerning the transfer of stock of a foreign corporation to another foreign corporation pursuant to section 332 or 351 [reserved as to section 355 and so much of section 356 as relates to section 355]. Finally, paragraphs (e), (f), and (g) provide detailed rules applicable to certain transfers described above and paragraph (h) sets forth anti-abuse rules.

(b) *Transfers to which section 367(a)(1) does not apply*—(1) *Transfers in certain reorganizations of stock or securities of foreign corporations.* If, pursuant to an exchange described in section 354, 361, or so much of section 356 as relates to section 354, a U.S. person transfers to a foreign corporation stock or securities of a foreign corporation that is a party to the reorganization, then section 367(a) shall not apply to the transfer, by reason of the operation of section 367(a)(2) and 1.367(a)-1T(b)(2)(i). Thus, section 367(a)(1) shall not apply to a transfer of stock of a foreign corporation by a U.S. person to another foreign corporation pursuant to a reorganization described in section 368(a)(1)(B) because the

foreign corporation whose stock is transferred is a party to the reorganization. This result follows even though that foreign corporation may not be a party to other types of reorganizations or exchanges for which the transaction also qualifies. For rules concerning the treatment of certain transfers that are described in section 351 as well as one of the above-cited sections, see §§ 7.367(b)-4 and 7.367(b)-7.

(2) *Compulsory transfers.* For rules regarding a transfer of property (including stock or securities) that is compelled by foreign government action, see § 1.367(a)-4T(f).

(c) *Transfer of stock or securities of domestic corporation*—(1) *In general.* The transfer of stock or securities of a domestic corporation to a foreign corporation (in an exchange described in section 367(a)(1)) shall be subject to section 367(a)(1) and shall therefore be treated as a taxable exchange, except in the circumstances set forth in paragraphs (c) (2), (3), (4), (5), and (6) of this section.

(2) *Active conduct of a trade or business.* Section 367(a)(1) shall not apply to a transfer of stock or securities of a domestic corporation if—

- (i) The transfer is described in paragraph (e)(2) of this section; and
- (ii) The transferor files an agreement to recognize gain upon the transferee's later disposition of the transferred interest in accordance with the provisions of paragraph (g) of this section.

In general, paragraph (e)(2) of this section describes certain transfers of stock or securities for use by the transferee in the active conduct of a trade or business outside of the United States.

(3) *U.S. transferors obtain limited interest in transferee.* Section 367(a)(1) shall not apply to a transfer of stock or securities of a domestic corporation if the transfer is described in paragraph (f) of this section. In general, paragraph (f) of this section describes transfers in which the U.S. transferors of stock or securities obtain only a limited interest in the transferee foreign corporation.

(4) *Transferor files agreement to recognize gain upon later disposition.* Section 367(a)(1) shall not apply to a transfer of stock or securities of a domestic corporation if—

- (i) Immediately after the transfer all U.S. transferors own in the aggregate less than fifty percent of both the total voting power and the total value of the stock of the transferee foreign corporation; and

(ii) The subject transferor files an agreement to recognize gain upon the transferee's later disposition of the transferred interest in accordance with the provisions of paragraph (g) of this section.

(5) *Certain transfers in connection with performance of services.* Section 367(a)(1) shall not apply to a domestic corporation's transfer of its own stock or securities in connection with the performance of services, if the transfer is considered to be to a foreign corporation solely by reason of § 1.83-6(d)(1).

(6) *Transfers pursuant to section 355 or so much of section 356 as related to section 355.* [Reserved.]

(d) *Transfer of stock or securities of foreign corporation pursuant to section 332 or 351 [reserved as to section 355 and so much of section 356 as relates to section 355].*—(1) *In general.* If a U.S. person transfers stock or securities of a foreign corporation to another foreign corporation in an exchange described in section 332 or 351 [reserved as to section 355 or so much of section 356 as relates to section 355] then section 367(a)(1) shall apply to the transfer (which is therefore treated as a taxable exchange), except in the circumstances set forth in paragraphs (d) (2), (3), (4), (5), and (6) of this section. Transfers described in section 351 that are also described in section 368(a)(1)(B) shall be subject to the rules set forth in §§ 7.367(b)-4 and 7.367(b)-7 and shall not be subject to the rules of this paragraph (d).

(2) *Active conduct of a trade or business.* Section 367(a)(1) shall not apply to a transfer of stock or securities of a foreign corporation if—

(i) The transfer is described in paragraph (e) (2) or (3) of this section; and

(ii) The transferor files an agreement to recognize gain upon the transferee's later disposition of the transferred interest in accordance with the provisions of paragraph (g) of this section.

In general, paragraph (e) describes transfers of stock or securities for use by the transferee corporation in the active conduct of a trade or business outside of the United States.

(3) *Transfer of stock or securities of foreign corporation to another corporation organized in same country.* Section 367(a)(1) shall not apply to a transfer of stock or securities of a foreign corporation if—

(i) The transferred corporation and the transferee corporation are created or organized under the laws of the same foreign country;

(ii) At least 50 percent of the assets used in the trade or business of the transferred corporation are located in that same foreign country;

(iii) Prior to the transfer, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the transferred corporation was held by U.S. persons;

(iv) After the transfer, the transferee corporation holds more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the transferred corporation;

(v) After the transfer, the U.S. persons that controlled the transferred corporation before the transfer hold at least 50 percent of the total combined voting power of all classes of stock entitled to vote of the transferee corporation;

(vi) After the transfer, the transferee corporation is a controlled foreign corporation within the meaning of section 957(a); and

(vii) The transferor files an agreement to recognize gain upon the transferee's later disposition of the transferred interest in accordance with the provisions of paragraph (g) of this section.

The provisions of this paragraph (d)(3) shall apply to transfers occurring after June 16, 1986. For other transfers, see section 3.02(1)(a)(iii)(B) of Revenue Procedure 68-23.

(4) *U.S. transferors obtain limited interest in transferee.* Section 367(a)(1) shall not apply to a transfer of stock or securities of a foreign corporation if the transfer is described in paragraph (f) of this section. In general, paragraph (f) of this section describes transfers in which the U.S. transferors of stock or securities obtain only a limited interest in the transferee foreign corporation.

(5) *Transferor files agreement to recognize gain upon later disposition.* Section 367(a)(1) shall not apply to a transfer of stock or securities of a foreign corporation if—

(i) Immediately after the transfer all U.S. transferors own in the aggregate less than fifty percent of both the total voting power and the total value of the stock of the transferee foreign corporation; and

(ii) The subject transferor files an agreement to recognize gain upon the transferee's later disposition of the transferred interest in accordance with the provisions of paragraph (g) of this section.

(6) *Transfer pursuant to section 355 or so much of section 356 as relates to section 355.* [Reserved.]

(e) *Transfer for use in the active conduct of a trade or business outside of the United States.*—

(1) *In general.* Section 367(a) shall not apply to a transfer of stock or securities of a corporation if—

(i) The transfer is described in paragraph (e) (2) or (3) of this section; and

(ii) The transferor files an agreement to recognize gain upon the transferee's later disposition of the transferred interest in accordance with the provisions of paragraph (g) of this section.

(2) *Stock constituting operating asset.* A transfer of stock or securities of a foreign or domestic corporation to a foreign corporation shall be considered to be for use in the active conduct of a trade or business outside of the United States if the stock or securities are essentially operating assets in the hands of the transferor because ownership of the stock or securities grants material rights to acquire for use in the transferor's trade or business outside the United States products produced by the transferred corporation outside the United States. See *Kaiser Aluminum Chemical Corp. v. Comm'r*, 76 T.C. 325 (1981).

(3) *Consolidation of integrated business.*—(i) *In general.* A transfer of stock or securities of a foreign corporation to a foreign corporation shall be considered to be for use in the active conduct of a trade or business outside of the United States if—

(A) Immediately after the transfer, the transferee foreign corporation holds more than 50 percent of the total voting power and more than 50 percent of the total value of stock of the transferred corporation; and

(B) Both immediately before and immediately after the transfer, the transferred corporation and the transferee foreign corporation constitute an integrated business in accordance with the provisions of paragraph (e)(2)(ii) of this section.

(ii) *Integrated business.* For purposes of this paragraph (e)(2), the transferred and transferee corporations shall be considered to constitute an integrated business only if—

(A) Each corporation is engaged, directly or indirectly, in substantial business operations beyond the mere provision of general managerial, financial, or similar services to the other corporation; and

(B) Either the business operations of one corporation are substantially identical to all or the principal part of the operations of the other, or the operations of the two corporations

constitute in principal part complementary and mutually interdependent steps in the production and sale or lease of a product or products or in the provision of a service. Substantial identity of business operations requires that the two corporations engage in substantially the same production (or service) and marketing processes or activities for generally the same or similar products (or services).

(f) *U.S. transferors obtain limited interest in transferee*—(1) *In general.* A transfer of stock or securities of a foreign or domestic corporation by a U.S. person to a foreign corporation shall not be subject to section 367(a)(1) if immediately after the transfer—

(i) All U.S. transferors own in the aggregate less than twenty percent of both the total voting power and the total value of the stock of the transferee foreign corporation; or

(ii)(A) All U.S. transferors own in the aggregate twenty percent or more of either the total voting power or the total value of the stock of the transferee foreign corporation, but less than fifty percent of that total voting power and that total value; and

(B) The subject U.S. transferor owns less than five percent of both the total voting power and the total value of the stock of the transferee foreign corporation.

(2) *Attribution.* Section 958 shall apply in determining the ownership of stock for purposes of this paragraph (f).

(3) *Rule not applicable to stock of holding companies.* The rule of paragraph (f)(1) of this section shall not apply if the assets of the transferred corporation consist principally of stock or securities held as portfolio investments. Stock of securities of a given entity held by the transferred corporation shall be presumed not to constitute a portfolio investment if the transferred corporation holds ten percent or more by value of the outstanding stock and securities of that entity. This presumption may be rebutted by evidence that the stock was held by the transferred corporation as a passive, portfolio investment.

(g) *Transferor's agreement to recognize gain upon later disposition by transferee*—(1) *In general.* A transfer of stock or securities shall not be subject to section 367(a)(1) if—

(i) The transferor complies with the reporting requirements of section 6038B and any regulations thereunder;

(ii) The transferor files a binding agreement to recognize gain upon the transferee corporation's later disposition of the transferred stock or securities, in

accordance with the rules of this section; and

(iii) The transfer is described in paragraph (d)(3) or (e) of this section or, immediately after the transfer, all U.S. transferors own in the aggregate less than 50 percent of both the total voting power and the total value of the stock of the transferee foreign corporation.

(2) *Agreement to recognize gain: in general.* A transferor's agreement to recognize gain must be attached to, and filed by the due date of, the information return required under section 6038B.

In general, the return must be filed with the transferor's tax return for the taxable year that includes the date of the transfer. However, pursuant to § 1.6038B-1T(b)(1), returns with respect to transfers that took place prior to June 16, 1986, are not required to be filed until September 16, 1986. Therefore, an agreement to recognize gain under the rules of this section with respect to any such transfer may be timely filed until that date. The agreement must be signed under penalties of perjury by a trustee, executor, or equivalent fiduciary in the case of a trust or estate, by a responsible officer in the case of a corporation, by a debtor in possession or trustee in a bankruptcy case under Title 11, United States Code, and in the case of an individual, including a partner who is treated as a transferor by virtue of § 1.367-1T(c)(3), by the individual himself. An agreement may also be signed by an agent authorized to do so under a general or specific power of attorney. The agreement must set forth the following materials, preferably in paragraphs labeled to correspond with the subparagraphs set forth below:

(i) A statement that the document submitted constitutes the transferor's agreement to recognize gain, in accordance with the requirements of § 1.367(a)-3T(g);

(ii) A description of the stock or securities transferred, an estimate of fair market value as of the date of the transfer, and a statement of cost or other basis and any adjustments thereto;

(iii) The transferor's agreement to recognize gain, as described in subparagraph (3) of this paragraph (g);

(iv) A waiver of the period of limitations, as described in subparagraph (4) of this paragraph (g); and

(v) An agreement to file with the transferor's tax returns for the 5 years following the year of the transfer a certification and waiver as described in subparagraph (5) of this paragraph (g).

(3) *Terms of agreement*—(i) *Recognition of gain.* The transferor must agree that if, prior to the close of the fifth taxable year following the taxable

year of the transfer, the transferee foreign corporation disposes of the transferred stock in any manner (other than in a liquidation of the transferred corporation), then by the 90th day thereafter the transferor will file an amended return for the year of the transfer and recognize thereon the gain realized but not recognized upon the initial transfer. Such gain shall be computed as if there had been a sale of the stock or securities at fair market value at the time of the initial transfer. Net operating losses or credits against tax that were available in the year of the initial transfer and that have expired unused may be applied (respectively) against any gain recognized or tax owed by reason of this provision, but no other adjustments shall be made with respect to any other items of income or deduction in the year of the transfer or other years. If additional tax is required to be paid, then interest must be paid on that amount at the rates determined under section 6621, with respect to the period between the date that was prescribed for filing the transferor's income tax return for the year of the transfer and the date on which the additional tax for that year is paid. For special rules applicable to nonrecognition transfers, see subparagraph (7) of this paragraph (g). For special rules applicable when a U.S. transferor that enters into an agreement under this paragraph (g) ceases to exist, see subparagraph (9) of this paragraph (g).

(ii) *Partial disposition.* If the transferee foreign corporation disposes of only a portion of the stock or securities of the transferred corporation, then the U.S. transferor shall be required to recognize a proportionate amount of the gain realized but not recognized upon the initial transfer. The proportion required to be recognized shall be determined by reference to the fair market value of the stock or securities disposed of as the fair market value of those retained. The rule of this paragraph (g)(3)(ii) is illustrated by the following example.

Example. A is a U.S. citizen who owns 100 percent of the outstanding stock of foreign corporation X. In a transaction described in section 351, A exchanges his stock in X for 25 percent of the outstanding stock of foreign corporation Y. A submits an agreement under the rules of this section to recognize gain upon a later disposition. In the following year, Y disposes of 50 percent of the fair market value of the stock of X. Therefore, A is required to recognize 50 percent of the gain he realized but did not recognize upon the initial transfer of the shares of X.

(iii) *Disposition of assets by transferred corporation.* For purposes of paragraph (g)(3) (i) and (ii) of this section, a disposition not in the ordinary course of business by the transferred corporation of all or a substantial portion of its assets (other than a distribution, including a liquidating distribution, to the transferee foreign corporation) shall be treated as a disposition by the transferee foreign corporation of a proportionate amount of stock of the transferred corporation.

(iv) *Disposition of assets after distribution by transferred corporation.* For purposes of paragraph (g)(3) (i) and (ii) of this section, a disposition not in the ordinary course of business by the transferee foreign corporation of all or a substantial portion of the assets received by it in a distribution, including a liquidating distribution, from the transferred corporation shall be treated as a disposition by the transferee foreign corporation of a proportionate amount of stock of the transferred corporation.

(4) *Waiver of period of limitation.* The transferor must file a waiver of the period of limitation on assessment of tax upon the gain realized on the transfer. The waiver shall be executed on such forms as are prescribed therefor by the Commissioner and shall extend the period for assessment of such tax to a date not earlier than the close of the eighth taxable year following the taxable year of the transfer. Such waiver shall also contain such other terms with respect to assessment as may be considered by the Commissioner to be necessary to ensure the assessment and collection of the correct tax liability for each year for which the waiver is required. The waiver must be signed by a person authorized to sign the agreement pursuant to the provisions of paragraph (g)(2) of this section.

(5) *Annual certification and waiver—*

(i) *Certification.* The transferor must agree to file with its income tax return for each of the five taxable years following the taxable year of the transfer a certification that the stock or securities transferred have not been disposed of by the transferee in a transaction that is considered to be a disposition for purposes of this paragraph. If either a disposition qualifying under paragraph (g)(1) of this section or a nonrecognition transfer subject to paragraph (g)(7) of this section has occurred, the transferor's certification must provide the information required under the rules of the subject paragraph. The annual certification pursuant to this paragraph

(g)(5) must be signed under penalties of perjury by a person authorized to sign the agreement pursuant to the provisions of paragraph (g)(2) of this section. The certification must identify the transfer with respect to which it is given by setting forth the date of the transfer and a description of the stock or securities transferred. If a taxpayer has made more than one transfer subject to the rules of this paragraph (g), the certifications for those transfers may be combined in a single document, but each transfer must be separately identified.

(ii) *Waiver.* The transferor must agree to file with its income tax return for each of the eight taxable years following the taxable year of the transfer a waiver of the period of limitations on assessment as described in paragraph (g)(4) of this section. For the rule extending the period of limitations upon a failure to comply with the reporting requirements of section 6038B and regulations thereunder, see § 1.6038B-1T(f)(1)(iii).

(6) *Warranty of information regarding disposition.* The transferor must warrant that arrangements have been made in connection with the transfer of stock or securities to ensure that the transferor will be informed of any subsequent disposition of stock, securities, or assets that would require the recognition of gain under the agreement.

(7) *Treatment of nonrecognition transfers.* If, during the period the agreement is in force, the transferee foreign corporation disposes of the stock or securities of the transferred corporation in a transaction on which gain or loss would not be required to be recognized under U.S. income tax principles, then the U.S. transferor shall not be required to recognize gain under paragraph (g)(3)(i) of this section, provided that the U.S. transferor complies with the requirements of subdivisions (i), (ii), and (iii) of this paragraph (g)(7).

(i) The U.S. transferor must provide a notice of the transfer with its next annual certification under paragraph (g)(5) of this section, setting forth—

(A) A description of the transfer;

(B) The applicable nonrecognition provision; and

(C) The name, address, and identifying number (if any) of the new transferee of the stock or securities of the transferred corporation.

(ii) The U.S. transferor must provide a new agreement to recognize gain (in accordance with the rules of paragraph (g)(2) and (3)(i) of this section) if, prior to the close of the fifth taxable year following the taxable year of the initial transfer, either—

(A) The initial transferee foreign corporation disposes of the interest which it received in exchange for the stock or securities of the transferred corporation (other than in a disposition which itself qualifies under the rules of this paragraph (g)(7)); or

(B) The person that obtained the stock or securities of the transferred corporation disposes of that stock or those securities (other than in a disposition which itself qualifies under the rules of this paragraph (g)(7)).

If a disposition that triggers the recognition of gain under the rules of this paragraph is only a partial disposition of the property, then the U.S. transferor shall be required to recognize a proportionate amount of the gain realized but not recognized upon the initial transfer. The proportion required to be recognized shall be determined by reference to the fair market value of the stock or securities disposed of and the fair market value of those retained as of the date of the disposition.

(iii) The U.S. transferor must warrant that arrangements have been made, in connection with the nonrecognition transfer, ensuring that the U.S. transferor will be informed of any subsequent disposition with respect to which recognition of gain would be required under the agreement.

(8) *Special rules for indirect transfers—*(i) *Transfers covered.* If a U.S. person that holds an interest in an entity is considered to make an indirect transfer of stock or securities described in section 367(a) under the provisions of § 1.367(a)-1T(c), then the rules of this paragraph (g)(8) shall apply to the transfer.

(ii) *Applicable rules.* For purposes of this paragraph (g), the foreign corporation that issued the stock or securities received by the U.S. transferor shall be considered to be the transferee foreign corporation. Any agreement entered into under this paragraph (g) with respect to such a transfer shall require the recognition of gain by the transferor if—

(A) That transferee foreign corporation disposes of the corporation that it controls (regardless of whether that corporation is the transferred corporation itself or another corporation that obtained the stock, securities, or assets of the transferred corporation); or

(B) The corporation that holds the assets of the transferred corporation disposes of all or a substantial portion of those assets other than in the ordinary course of business.

The rules of paragraph (g)(7) of this section shall apply if gain or loss would

not be required to be recognized under U.S. income tax principles with respect to such a transfer.

(9) *U.S. transferor goes out of existence.* If a U.S. corporation, trust, or estate that has entered into an agreement under this paragraph (g) goes out of existence, and that corporation, trust, or estate is not required to recognize gain under section 367 upon its liquidating transfer of the stock of the transferee foreign corporation, or if an individual transferor that has entered into an agreement under this paragraph (g) dies, then either—

(i) The person winding up the affairs of the transferor must retain assets to meet any possible liability of the transferor under the agreement;

(ii) The person winding up the affairs of the transferor must provide security under subparagraph (10) of this paragraph (g) for any possible liability of the transferor under the agreement; or

(iii) Each person that obtains the stock of the transferee foreign corporation from the transferor must enter into an agreement under this paragraph (g) having the same terms as the agreement entered into by the transferor (but only with respect to that person's proportionate share of the gain realized but not recognized upon the transferor's initial transfer of stock to the transferee foreign corporation).

(10) *Use of security.* The transferor may be required to furnish a bond or other security that satisfies the requirements of § 301.7101-1 if the district director determines that such security is necessary to ensure the payment of any tax upon the gain realized upon the transfer. Such bond or security will generally be required only if the stock or securities transferred are the principal asset of the transferor and the director has reason to believe that a disposition of the stock or securities may be contemplated. In addition, if a transferor corporation, trust, or estate ceases to exist, or if an individual transferor dies, then the person winding up the affairs of the transferor (such as a trustee in bankruptcy or an executor) may choose to supply security pursuant to paragraph (g)(9) of this section for the performance of the transferor's obligations under an agreement entered into under this paragraph (g).

(11) *Failure to comply.* If a person that has entered into an agreement under this paragraph (g) fails at any time to comply in any material respect with the requirements of this section or with the terms of any agreement submitted pursuant thereto, then the rule of paragraph (g)(1) of this section shall not apply. Thus, the initial transfer of the stock or securities will become subject

to section 367(a)(1) (unless otherwise excepted under the rules of this section) and will be treated as a taxable exchange in the year of the initial transfer. Such a material failure to comply shall extend the period for assessment of tax until three years after the date on which the Internal Revenue Service receives actual notice of the failure to comply.

(12) *Availability of forms.* Any agreement, certification, waiver, or other document required to be filed pursuant to the provisions of this paragraph (g) shall use such forms as may be prescribed therefore by the Commissioner (or a similar statement providing the same information). Until such time as forms are published, all necessary filings may be accomplished by providing the required information to the Service in accordance with the rules of this paragraph.

(13) *Basis adjustments.*—(i) If a U.S. transferor is required to recognize gain under this paragraph (g), then in determining for U.S. income tax purposes any gain or loss recognized by the transferee foreign corporation upon its subsequent disposition of the transferred stock or securities, its basis in such interests shall be increased by the amount of gain required to be recognized (but not by any tax or interest required to be paid on such amount).

(ii) If a U.S. transferor is required to recognize gain under this paragraph (g), then the U.S. transferor's basis in the stock of the transferee foreign corporation shall be increased by the amount of gain required to be recognized (but not by any tax or interest required to be paid on such amount).

(h) *Anti-abuse rules.*—(1) *Coordination with Subpart F.* Notwithstanding the provisions of paragraph (d) (2) or (3) of this section, section 367(a)(1) shall apply to a transfer of stock or securities of a foreign corporation if either:

(i) The transferred corporation was a controlled foreign corporation within the meaning of section 957(a), and the transferee corporation is not a controlled foreign corporation; or

(ii) Both the transferred and the transferee corporations are controlled foreign corporations within the meaning of section 957(a) but the transferor was a U.S. shareholder of the transferred corporation within the meaning of section 951(b) and is not a U.S. shareholder of the transferee corporation, within the meaning of section 951(b).

However, section 367(a)(1) shall not apply to such a transfer if the transferor

enters into an agreement to recognize gain under paragraph (g) of this section.

(2) *Incorporation of property to avoid section 367(a)(1).* Notwithstanding any other provision of this section, section 367(a)(1) shall apply to a transfer of stock or securities of a domestic corporation if:

(i) The domestic corporation holds property that would be subject to section 367(a)(1) if it were transferred directly to a foreign corporation;

(ii) A U.S. person transferred that property to the domestic corporation in a transaction on which gain or loss was not required to be recognized; and

(iii) One of the principal purposes of the incorporation and transfer was avoidance of the provisions of section 367(a).

A transfer of property shall be presumed to have been made to avoid the provisions of section 367(a) if the transfer to the domestic corporation occurred less than two years before the transfer of the stock of the domestic corporation to the foreign corporation, or if it otherwise appears that the transfer of stock to the foreign corporation was planned or contemplated at the time of the transfer of the property to the domestic corporation. The presumption created by the previous sentence may be rebutted by evidence establishing that avoidance of the provisions of section 367(a) was not one of the principal purposes of the incorporation and subsequent transfer.

§ 1.367 (a)-4T Special rules applicable to specified transfers of property (temporary).

(a) *In general.* This section provides special rules for determining the applicability of section 367(a)(1) to specified transfers of property. Paragraph (b) of this section provides a special rule requiring the recapture of depreciation upon the transfer abroad of property previously used in the United States. Paragraphs (c) through (f) of this section provide rules for determining whether certain types of property are transferred for use in the active conduct of a trade or business outside of the United States. Paragraph (g) excepts certain transfers to FSCs from the operation of section 367(a)(1). The treatment of any transfer of property described in this section shall be determined exclusively under the rules of this section.

(b) *Depreciated property used in the U.S.*—(1) *In general.* If a U.S. person transfers U.S. depreciated property (as defined in paragraph (b)(2) of this section) to a foreign corporation in an exchange described in section 367(a)(1),

then that person shall include in its gross income for the taxable year in which the transfer occurs ordinary income equal to the gain realized that would have been includible in the transferor's gross income as ordinary income under section 617(d)(1), 1245(a), 1250(a), 1252(a), or 1254(a), whichever is applicable, if at the time of the transfer the transferor had sold the property at its fair market value. Recapture of depreciation under this paragraph (b) shall be required regardless of whether any exception to section 367(a)(1) (such as the exception for property transferred for use in the active conduct of a foreign trade or business) would otherwise apply to the transfer. However, any applicable exception shall apply with respect to realized gain that is not included in ordinary income pursuant to this paragraph (b).

(2) *U.S. depreciated property.* U.S. depreciated property subject to the rules of this paragraph (b) is any property that—

(i) Is either mining property (as defined in section 617(f)(2)), section 1245 property (as defined in section 1245(a)(3)), section 1250 property (as defined in section 1250(c)), farm land (as defined in section 1252(a)(2)), or oil, gas, or geothermal property (as defined in section 1254(a)(3)); and

(ii) Has been used in the United States or has qualified as section 38 property by virtue of section 48(a)(2)(B) prior to its transfer.

(3) *Property used within and without the U.S.* If U.S. depreciated property has been used partly within and partly without the United States, then the amount required to be included in ordinary income pursuant to this paragraph (b) shall be reduced to an amount determined in accordance with the following formula:

$$\text{Full recapture amount} \times \frac{\text{U.S. use}}{\text{Total use}}$$

For purposes of the above fraction, the "full recapture amount" is the amount that would otherwise be included in the transferor's income under paragraph (b)(1) of this section. "U.S. use" is the number of months that the property either was used within the United States or qualified as section 38 property by virtue of section 48(a)(2)(B), and was subject to depreciation by the transferor or a related person. "Total use" is the total number of months that the property was used (or available for use), and subject to depreciation, by the transferor or a related person. For purposes of this paragraph (b)(3), property shall not be

considered to have been in use outside of the United States during any period in which such property was, for purposes of section 48 or 168, treated as property not used predominantly outside the United States pursuant to the provisions of section 48(a)(2)(B). For purposes of this paragraph (b)(3) the term "related person" shall have the meaning set forth in § 1.367(d)-1T(h).

(4) *Transfer followed by section 338 election.* For purposes of paragraph (b)(1) of this section, property that is transferred by a U.S. corporation to a foreign corporation in a transfer described in the section 367(a)(1) shall be treated as U.S. depreciated property at the time of the transfer if—

(i) The transferee foreign corporation was a member of the U.S. transferor's affiliated group (determined without regard to the exceptions contained in section 1504(b)) at the time of the transfer; and

(ii) Within three years after the transfer, a purchasing corporation files an express election under section 338(g) for any member of the U.S. corporation's affiliated group (determined without regard to the exceptions contained in section 1504(b)) and files a regular exclusion election under § 1.338-5T(c)(2)(v) by virtue of which the transferee foreign corporation is excluded from the status of target affiliate.

(5) *Effective date.* This paragraph (b) applies to transfers occurring on or after June 16, 1986.

(c) *Property to be leased—(1) Leasing business of transferee.* Tangible property transferred to a foreign corporation that will be leased to other persons by the foreign corporation shall be considered to be transferred for use in the active conduct of a trade or business outside of the United States only if—

(i) The transferee's leasing of the property constitutes the active conduct of a leasing business;

(ii) The lessee of the property is not expected to, and does not, use the property in the United States; and

(iii) The transferee has need for substantial investment in assets of the type transferred.

The active conduct of a leasing business requires that the employees of the foreign corporation perform substantial marketing, customer service, repair and maintenance, and other substantial operational activities with respect to the transferred property outside of the United States. Tangible property subject to the rules of this paragraph (c) includes real property located outside of the United States. The rules of

§ 1.367(a)-5T(b) shall apply to transfers of property described in that section regardless of satisfaction of the rules of this paragraph (c).

(2) *De minimis leasing by transferee.* Tangible property transferred to a foreign corporation that will be leased to other persons by the foreign corporation and that does not satisfy the conditions of paragraph (b)(1) of this section shall, nevertheless, be considered to be transferred for use in the active conduct of a trade or business if either—

(i) The property transferred will be used by the transferee foreign corporation in the active conduct of a trade or business but will be leased during occasional brief periods when the property would otherwise be idle, such as an airplane leased during periods of excess capacity; or

(ii) The property transferred is real property located outside the United States and—

(A) The property will be used primarily in the active conduct of a trade or business of the transferee foreign corporation; and

(B) Not more than ten percent of the square footage of the property will be leased to others.

(d) *Property to be sold.* Property shall not be considered to be transferred for use in the active conduct of a trade or business and a transfer of stock or securities shall not be excepted from section 367(a)(1) under the rules of § 1.367(a)-3T if, at the time of the transfer, it is reasonable to believe that, in the reasonably foreseeable future, the transferee will sell or otherwise dispose of any material portion of the transferred stock, securities, or other property other than in the ordinary course of business.

(e) *Oil and gas working interests—(1) In general.* A working interest in oil and gas properties shall be considered to be transferred for use in the active conduct of a trade or business if—

(i) The transfer satisfies the conditions of paragraph (e)(2) of this section;

(ii) At the time of the transfer, the transferee has no intention to farmout or otherwise transfer any part of the transferred working interest; and

(iii) During the first three years after the transfer there are no farmouts or other transfers of any part of the transferred working interest as a result of which the transferee retains less than a 50 percent share of the transferred working interest.

(2) *Active use of working interest.* Working interests in oil and gas properties shall be considered to be transferred for use in the active conduct of a trade or business if—

(i) The transferor is regularly and substantially engaged in exploration for and extraction of minerals, either directly or through working interests in joint ventures, other than by reason of the property that is transferred;

(ii) The terms of the working interest transferred were actively negotiated among the joint venturers;

(iii) The working interest transferred constitutes at least a five percent working interest;

(iv) Prior to and at the time of the transfer, through its own employees or officers, the transferor was regularly and actively engaged in—

(A) Operating the working interest, or

(B) Analyzing technical data relating to the activities of the venture;

(v) Prior to and at the time of the transfer, through its own employees or officers, the transferor was regularly and actively involved in decisionmaking with respect to the operations of the venture, including decisions relating to exploration, development, production, and marketing; and

(vi) After the transfer, the transferee foreign corporation will for the foreseeable future satisfy the requirements of subdivisions (iv) and (v) of this paragraph (d)(2).

(3) *Start-up operations.* Working interests in oil and gas properties that do not satisfy the requirements of paragraph (e)(2) of this section shall, nevertheless, be considered to be transferred for use in the active conduct of a trade or business if—

(i) The working interest was acquired by the transferor immediately prior to the transfer and for the specific purpose of transferring it to the transferee foreign corporation;

(ii) The requirements of paragraph (e)(2) (i) and (iii) of this section are satisfied; and

(iii) The transferee foreign corporation will for the foreseeable future satisfy the requirements of paragraph (e)(2) (iv) and (v) of this section.

(4) *Other applicable rules.* Oil and gas interests not described in this paragraph (e) may nonetheless qualify for the exception to section 367(a)(1) contained in § 1.367(a)-2T, relating to transfers of property for use in the active conduct of a trade or business outside of the United States. However, a mere royalty interest in oil and gas properties will not be treated as transferred for use in the active conduct of a trade or business outside the United States. Moreover, a royalty or similar interest that constitutes intangible property will be subject to the rules of § 1.367(d)-1T, relating to transfers of intangible property.

(f) *Compulsory transfers.* Property shall be presumed to be transferred for use in the active conduct of a trade or business outside of the United States, if—

(1) The property was previously in use in the country in which the transferee foreign corporation is organized; and

(2) The transfer is either:

(i) Legally required by the foreign government as a necessary condition of doing business in that country; or

(ii) Compelled by a genuine threat of immediate expropriation by the foreign government.

(g) *Relationship to other sections.* The rules of §§ 1.367(a)-5T, 1.367(a)-6T, and 1.367(d)-1T apply to transfers of property whether or not the property is transferred for use in the active conduct of a trade or business outside the United States. See § 1.367(d)-1T(g)(2)(ii) for a special election with respect to compulsory transfers of intangible property.

(h) *Transfers of certain property to FSCs—(1) In general.* The provisions of section 367 (a) and (d) and the regulations thereunder shall not apply to a transfer of property by a U.S. person to a foreign corporation that constitutes a FSC, as defined in section 922(a), if—

(i) The transferee FSC uses the property to generate exempt foreign trade income, as defined in section 923(a);

(ii) The property is not excluded property, as defined in section 927(a)(2); and

(iii) The property consists of a corporate name or tangible property that is appropriate for use in the operation of a FSC office.

(2) *Exception.* The general rule in paragraph (g)(1) of this section shall not apply if, within three years after the original transfer, the original transferee FSC (or a subsequent transferee FSC) disposes of the property other than in the ordinary course of business or through a transfer to another FSC. Thus, the U.S. transferor may recognize gain in the taxable year in which the original transfer occurred through the application of section 367 and the regulations thereunder.

§ 1.367(a)-5T Property subject to section 367(a)(1) regardless of use in trade or business (temporary).

(a) *In general.* Section 367(a)(1) shall apply to a transfer of property described in this section regardless of whether the property is transferred for use in the active conduct of a trade or business. Certain exceptions to the operation of this rule are provided in this section, and a special gain limitation rule is provided in paragraph (e). A transfer of

property described in this section is subject to section 367(a)(1) even if the transfer is a compulsory transfer described in § 1.367(a)-4T(f).

(b) *Inventory, etc.* Regardless of use in an active trade or business, section 367(a)(1) shall apply to the transfer of—

(1) Stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business; and

(2) A copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, held by—

(i) A taxpayer whose personal efforts created such property;

(ii) In the case of a letter, memorandum, or similar property, a taxpayer from whom such property was prepared or produced; or

(iii) A taxpayer in whose hands the basis of such property is determined, for purposes of determining gain from a sale or exchange, in whole or part by reference to the basis of such property in the hands of a taxpayer described in subdivision (i) or (ii) of this paragraph (b)(2).

For purposes of this section, the term "inventory" includes raw materials and supplies, partially completed goods, and finished products.

(c) *Installment obligations, etc.*

Regardless of use in an active trade or business, section 367(a)(1) shall apply to the transfer of installment obligations, accounts receivable, or similar property, but only to the extent that the principal amount of any such obligation has not previously been included by the taxpayer in its taxable income.

(d) *Foreign currency, etc.—(1) In general.* Regardless of use in an active trade or business, section 367(a)(1) shall apply to the transfer of foreign currency or other property denominated in foreign currency, including installment obligations, futures contracts, forward contracts, accounts receivable, or any other obligation entitling its payee to receive payment in a currency other than U.S. dollars.

(2) *Exception for certain obligations.* If transferred property denominated in a foreign currency—

(i) Is denominated in the currency of the country in which the transferee foreign corporation is organized; and

(ii) Was acquired in the ordinary course of the business of the transferor that will be carried on by the transferee foreign corporation,

then section 367(a)(1) shall apply to the transfer only to the extent that gain is required to be recognized with respect to previously realized income reflected in installment obligations subject to paragraph (c) of this section. The rule of this paragraph (d)(2) shall not apply to transfers of foreign currency.

(3) *Limitation of gain required to be recognized.* If section 367(a)(1) applies to a transfer of property described in this paragraph, then the gain required to be recognized shall be limited to—

(i) The gain realized upon the transfer of property described in this paragraph (d), minus

(ii) Any loss realized as part of the same transaction upon the transfer of property described in this paragraph (d). This limitation applies in lieu of the rule in § 1.367(a)-1T(b)(1). No loss shall be recognized with respect to property described in this paragraph (d).

(e) *Intangible property.* Regardless of use in an active trade or business, a transfer of intangible property pursuant to section 332 shall be subject to section 367(a)(1), unless it constitutes foreign goodwill or going concern value, as defined in § 1.367(a)-1T(d)(5)(iii). For rules concerning transfers of intangible property pursuant to section 351 or 361, see section 367(d) and § 1.367(d)-1T.

(f) *Leased tangible property.* Regardless of use in an active trade or business, section 367(a)(1) shall apply to a transfer of tangible property with respect to which the transferor is a lessor at the time of the transfer, unless—

(1) With respect to property that will not be leased by the transferee to third persons, the transferee was the lessee of the property at the time of the transfer; or

(2) With respect to property that will be leased by the transferee to third persons, the transferee satisfies the conditions set forth in § 1.367(a)-4T(c)(1) or (2).

§ 1.367(a)-6T Transfer of foreign branch with previously deducted losses (temporary).

(a) *In general.* This section provides special rules relating to the transfer of the assets of a foreign branch with previously deducted losses. Paragraph (b) of this section provides generally that such losses must be recaptured by the recognition of the gain realized on the transfer. Paragraph (c) of this section sets forth rules concerning the character of, and limitations on, the gain required to be recognized. Paragraph (d) of this section defines the term "previously deducted losses." Paragraph (e) of this section describes certain reductions that are made to the previously deducted

losses before they are taken into income under this section. Finally, paragraph (g) of this section defines the term "foreign branch."

(b) *Recognition of gain required—(1) In general.* If a U.S. person transfers any assets of a foreign branch to a foreign corporation in an exchange described in section 367(a)(1), then the transferor shall recognize gain equal to—

(i) The sum of the previously deducted branch ordinary losses as defined and reduced in paragraphs (d) and (e) of this section; and

(ii) The sum of the previously deducted branch capital losses as defined and reduced in paragraphs (d) and (e) of this section.

(2) *No active conduct exception.* The rules of this paragraph (b) shall apply regardless of whether the assets of the foreign branch are transferred for use in the active conduct of a trade or business outside the United States.

(c) *Special rules concerning gain recognized—(1) Character and source of gain.* The gain described in paragraph (b)(1)(i) of this section shall be treated as ordinary income of the transferor, and the gain described in paragraph (b)(1)(ii) of this section shall be treated as long-term capital gain of the transferor. Gain that is recognized pursuant to the rules of this section shall be treated as income from sources outside the United States. Such recognized gain shall be treated as foreign oil and gas extraction income (as defined in section 907) in the same proportion that previously deducted foreign oil and gas extraction losses bore to the total amount of previously deducted losses.

(2) *Gain limitation.* For a rule limiting the amount of gain required to be recognized under section 367(a) upon any transfer of property to a foreign corporation, including the transfer of assets of a foreign branch with previously deducted losses, see § 1.367(a)-1T(b)(3).

(3) *Foreign goodwill and going concern value.* For purposes of this section, the assets of a foreign branch shall include foreign goodwill and going concern value related to the business of the foreign branch, as defined in § 1.367(a)-1T(d)(5)(iii). Thus, gain realized upon the transfer of the foreign goodwill or going concern value of a foreign branch to a foreign corporation will be taken into account in computing the limitation on loss recapture under paragraph (c)(2) of this section.

(4) *Transfers of certain intangible property.* Gain realized on the transfer of intangible property (computed with reference to the fair market value of the intangible property as of the date of the

transfer) that is an asset of a foreign branch shall be taken into account in computing the limitation on loss recapture under paragraph (c)(2) of this section. For rules relating to the crediting of gain recognized under this section against income deemed to arise by operation of section 367(d), see § 1.367(d)-1T(g)(3).

(d) *Previously deducted losses—(1) In general.* This paragraph (d) provides rules for determining, for purposes of paragraph (b)(1) of this section, the previously deducted losses of a foreign branch any of whose assets are transferred to a foreign corporation in an exchange described in section 367(a)(1). Initially, the two previously deducted losses of a foreign branch for a taxable year are the total ordinary loss ("previously deducted branch ordinary loss") and the total capital loss ("previously deducted branch capital loss") that were realized by the foreign branch in that taxable year (a "branch loss year") prior to the transfer and that were or will be reflected on a U.S. income tax return of the transferor. The previously deducted branch ordinary loss for each branch loss year is reduced by expired net ordinary losses under paragraph (d)(2) of this section, while the previously deducted capital loss for each loss year is reduced by expired net capital losses under paragraph (d)(3) of this section. For each branch loss year, the remaining previously deducted branch ordinary loss and the remaining previously deducted branch capital loss are then reduced, proceeding from the first branch loss year to the last branch loss year, to reflect expired foreign tax credits under paragraph (d)(4) of this section. The reductions are made in the order of the taxable years in which the foreign tax credits arose. Finally, similar reductions are made to reflect expired investment credits under paragraph (d)(5) of this section.

(2) *Reduction by expired net ordinary loss—(i) In general.* The previously deducted branch ordinary loss for each branch loss year shall be reduced under this paragraph (d)(2) by the amount of any expired net ordinary loss with respect to that branch loss year. Expired net ordinary losses arising in years other than the branch loss year shall reduce the previously deducted branch ordinary loss for the branch loss year only to the extent that the previously deducted branch ordinary loss exceeds the net operating loss, if any, incurred by the transferor in the branch loss year. The previously deducted branch ordinary losses shall be reduced proceeding from the first branch loss year to the last branch loss year. For each branch loss

year, expired net operating losses shall be applied to reduce the previously deducted branch ordinary loss for that year in the order in which the expired net ordinary losses arose.

(ii) *Existence of expired net ordinary loss.* An expired net ordinary loss exists with respect to a branch loss year to the extent that—

(A) The transferor incurred a net operating loss (within the meaning of section 172(c));

(B) That net operating loss arose in the branch loss year or was available for carryover or carryback to the branch loss year under section 172(b)(1);

(C) That net operating loss has neither given rise to a net operating loss deduction (within the meaning of section 172(a)) for any taxable year prior to the year of the transfer, nor given rise to a reduction of any previously deducted branch ordinary loss (pursuant to paragraph (d)(2) of this section) of any foreign branch of the transferor upon a previous transfer to a foreign corporation; and

(D) The period during which the transferor may claim a net operating loss deduction with respect to that net operating loss has expired.

(3) *Reduction by expired net capital loss*—(i) *In general.* The previously deducted branch capital loss for each branch loss year shall be reduced under this paragraph (d)(3) by the amount of any expired net capital loss with respect to that branch loss year. Expired net capital losses arising in years other than the branch loss year shall reduce the previously deducted branch capital loss for the branch loss year only to the extent that the previously deducted branch capital loss exceeds the net capital loss, if any, incurred by the transferor in the branch loss year. The previously deducted branch capital losses shall be reduced proceeding from the first branch loss year to the last branch loss year. For each branch loss year, expired net capital losses shall be applied to reduce the previously deducted branch capital loss for that year in the order in which the expired net capital losses arose.

(ii) *Existence of expired net capital loss.* An expired net capital loss exists with respect to a branch loss year to the extent that—

(A) The transferor incurred a net capital loss (within the meaning of section 1222(10));

(B) That net capital loss arose in the branch loss year or was available for carryover or carryback to the branch loss year under section 1212;

(C) That net capital loss has neither been allowed for any taxable year prior to the year of the transfer, nor given rise

to a reduction of any previously deducted branch capital loss (pursuant to paragraph (c)(3) of this section) of any foreign branch of the transferor upon any previous transfer to a foreign corporation; and

(D) The period during which the transferor may claim a capital loss deduction with respect to that net capital loss has expired.

(4) *Reduction for expired foreign tax credit*—(i) *In general.* The previously deducted branch ordinary loss and the previously deducted branch capital loss for each branch loss year remaining after the reductions described in paragraph (d)(2) and (3) of this section shall be further reduced under this paragraph (d)(4) proportionately by the amount of any expired foreign tax credit loss equivalent with respect to that branch loss year. The previously deducted branch losses shall be reduced proceeding from the first branch loss year to the last branch loss year. For each branch loss year, expired foreign tax credit loss equivalents shall be applied to reduce the previously deducted branch loss for that year in the order in which the expired foreign tax credits arose.

(ii) *Existence of foreign tax credit loss equivalent.* A foreign tax credit loss equivalent exists with respect to a branch loss year if—

(A) The transferor paid, accrued, or is deemed under section 902 or 960 to have paid creditable foreign taxes in a taxable year;

(B) The creditable foreign taxes were paid, accrued, or deemed paid in the branch loss year or were available for carryover or carryback to the branch loss year under section 904(c);

(C) No foreign tax credit with respect to the foreign taxes paid, accrued, or deemed paid has been taken because of the operation of section 904(a) or similar limitations provided by the Code or an applicable treaty, and such taxes have not given rise to a reduction (pursuant to this paragraph (d)(5)) of any previously deducted branch loss of the foreign branch for a prior taxable year or of any previously deducted branch losses of any foreign branch of the transferor upon a prior transfer to a foreign corporation; and

(D) The period during which the transferor may claim a foreign tax credit for the foreign taxes paid, accrued, or deemed paid has expired.

(iii) *Amount of foreign tax credit loss equivalent.* The amount of the foreign tax credit loss equivalent for the branch loss year with respect to the creditable foreign taxes described in paragraph (d)(4)(ii) of this section is the amount of those creditable foreign taxes divided

by the highest rate of tax to which the transferor was subject in the loss year.

(5) *Reduction for expired investment credits*—(i) *In general.* The previously deducted branch ordinary loss and the previously deducted branch capital loss for each branch loss year shall be further reduced under this paragraph (d)(5) proportionately by the amount of any expired investment credit loss equivalent with respect to that branch year. The previously deducted branch losses shall be reduced proceeding from the first branch loss year to the last branch loss year. For each branch loss year, expired investment credit loss equivalents shall be applied to reduce the previously deducted branch loss for that year in the order in which the expired investment credits were earned.

(ii) *Existence of investment credit loss equivalent.* An investment credit loss equivalent exists with respect to a branch loss year if—

(A) The transferor earned an investment credit (within the meaning of section 46(a)) in a taxable year;

(B) The investment credit was earned in the branch loss year or was available for carryover or carryback to the branch loss year under section 39;

(C) The investment credit earned by the transferor in the credit year has been denied by section 38(a) or by similar provisions of the Code and has not given rise to a reduction (pursuant to this paragraph (d)(5)) of any previously deducted branch loss of the foreign branch for a preceding taxable year or of the previously deducted losses of any foreign branch of the transferor upon any previous transfer to a foreign corporation; and

(D) The period during which the transferor may claim the investment credit has expired.

(iii) *Amount of investment tax credit loss equivalent.* The amount of the investment credit loss equivalent for the branch loss year with respect to the investment credit described in paragraph (d)(5)(ii) of this section is 85 percent of the amount of that investment credit divided by the highest rate of tax to which the transferor was subject in the loss year.

(e) *Amounts that reduce previously deducted losses subject to recapture*—

(1) *In general.* This paragraph (e) describes five amounts that reduce the sum of the previously deducted branch ordinary losses and the sum of the previously deducted branch capital losses before they are taken into income under paragraph (b) of this section. Amounts representing ordinary income shall be applied to reduce first the sum of the previously deducted branch

ordinary losses to the extent thereof, and then the sum of the previously deducted branch capital losses to the extent thereof. Similarly, amounts representing capital gains shall be applied to reduce first the sum of the previously deducted branch capital losses and then the sum of the previously deducted branch ordinary losses.

(2) *Taxable income.* The previously deducted losses shall be reduced by any taxable income of the foreign branch recognized through the close of the taxable year of the transfer, whether before or after any taxable year in which losses were incurred.

(3) *Amounts currently recaptured under section 904(f)(3).* The previously deducted losses shall be reduced by the amount recognized under section 904(f)(3) on account of the transfer.

(4) *Gain recognized under section 367(a).* The previously deducted branch losses shall be reduced by any gain recognized pursuant to section 367(a)(1) (other than by reason of the provisions of this section) upon the transfer of the assets of the foreign branch to the foreign corporation.

(5) *Amounts previously recaptured under section 904(f)(3)—(i) In general.*

Losses of the foreign branch for the year

All foreign losses for the year

For purposes of this fraction, the term "losses of the foreign branch for the year" means the losses of the foreign branch that were taken into account under section 904(f)(2) in determining the amount of the transferor's overall foreign loss for the year, and the term "all foreign losses for the year" means all of the losses of the transferor that were taken into account under section 904(f)(2).

(6) *Amounts previously recognized under the rules of this section.* The previously deducted losses shall be reduced by the amounts previously recognized under the rules of this section upon a previous transfer of assets of the foreign branch.

(f) *Example.* The rules of paragraphs (b) through (e) of this section are illustrated by the following example.

Example. (i) *Facts.* X, a U.S. corporation, is a calendar year taxpayer. On January 1, 1981, X established a branch in foreign country A to manufacture and sell X's products in country A. On July 1, 1986, X organized corporation Y, a country A subsidiary, and transferred to Y all of the assets of its country A branch, including goodwill and going concern value. During the period from

The previously deducted branch losses shall be reduced by the portion of any amount recognized under section 904(f)(3) upon a previous transfer of property that was attributable to the losses of the foreign branch, provided that the amount did not reduce any gain otherwise required to be recognized under section 367(a)(3)(C) and this section (or Revenue Ruling 78-201, 1978-1 C.B. 91).

(ii) *Portion attributable to the losses of the foreign branch—(A) Branch property.* The full amount recognized under section 904(f)(3) upon a previous transfer of property of the branch shall be treated as attributable to the losses of the foreign branch.

(B) *Non-branch property.* The portion of the amount previously recognized under section 904(f)(3) upon a transfer of non-branch property that was attributable to the losses of the foreign branch shall be the sum, over the taxable years in which the transferor sustained an overall foreign loss, some portion of which was recaptured on the disposition, of the recaptured portions of those overall foreign losses after multiplication by the following fraction:

January 1, 1981, through July 1, 1986, X's country A branch earned income and incurred losses in the following amounts:

COUNTRY A BRANCH

Year	Ordinary income (loss)	Capital gain (loss)
1981	(200)	0
1982	(300)	(100)
1983	(400)	0
1984	(200)	0
1985	(100)	0
1986	50	0

At the time of the transfer of X's country A branch assets to Y, those assets had a fair market value of \$2,500 and an adjusted basis of \$1,000. For each of the assets, fair market value exceeded adjusted basis. X had no net capital loss or unused investment credit during any taxable year relevant to the transfer. In 1984, X incurred a net operating loss of \$400, \$200 of which was carried back to prior years. An additional \$50 of the 1984 net operating loss was carried over to 1985. The remaining \$150 of the 1984 net operating loss was not used in any year prior to the transfer. In 1979, X paid creditable foreign taxes of \$330 that could not be claimed as a credit in that year or any earlier year because of section 904. Of those foreign taxes, \$100

were carried over and claimed as a credit in 1983, but the remaining \$230 were not used in any year prior to the transfer. X was not required to recognize any gain under section 904(f)(3) on account of the 1986 transfer or any prior transfer. X was not required to recognize gain upon the transfer under section 367(a) (other than by reason of the provisions of this section).

(ii) *Previously deducted losses.* The previously deducted losses of X's country A branch are \$575 of ordinary losses and \$25 of capital losses, computed as follows: Initially, the branch has previously deducted ordinary losses of \$1,000 (\$200 + \$300 + \$400 + \$100), and previously deducted capital losses of \$100. (See paragraph (d)(1) of this section.)

(iii) *Expired losses and credits.* Under the facts of this example, there are no reductions for expired net ordinary losses or expired net capital losses under paragraph (d) (2) or (3) of this section. However, the previously deducted losses are reduced proceeding from the first branch loss year to the last branch loss year to reflect the expired foreign tax credit from 1979. The amount of the foreign tax credit loss equivalent with respect to 1981 is \$500 (\$230/.46). It reduces the previously deducted losses for 1981 proportionately. Thus, the previously deducted ordinary loss for 1981 is reduced from \$200 to \$0. (See paragraph (d)(4) of this section.) The amount of the foreign tax credit loss equivalent with respect to 1982 is \$300 (\$500 - \$200, i.e., \$138/.46). (See paragraph (d)(4)(ii)(C) of this section.) It reduces the previously deducted losses for 1982 proportionately. Thus, the previously deducted ordinary loss for 1982 is reduced from \$300 to \$75, and the previously deducted capital loss for 1982 is reduced from \$100 to \$25.

(iv) *Further reductions.* The previously deducted ordinary losses of \$575 and the previously deducted capital losses of \$25 are reduced by the taxable income earned by the branch prior to the date of the transfer (\$250). (See paragraph (e)(2) of this section.) Since that income was ordinary income, it is applied first to reduce the previously deducted ordinary losses of \$575 to \$325. (See paragraph (e)(1) of this section.)

(v) *Recapture.* Since the gain realized by X upon its transfer of the branch assets to Y exceeds the sum of the previously deducted branch losses as defined and reduced above (\$325 + \$25), the limitation in paragraph (c)(2) of this section does not apply. Thus, X is required to recognize \$325 of ordinary income and \$25 of long-term capital gain upon the transfer. (See paragraph (b) and (c)(1) of this section.)

(g) *Definition of foreign branch—(1) In general.* For purposes of this section, the term "foreign branch" means an integral business operation carried on by a U.S. person outside the United States. Whether the activities of a U.S. person outside the United States constitute a foreign branch operation must be determined under all the facts and circumstances. Evidence of the existence of a foreign branch includes, but is not limited to, the existence of a

separate set of books and records, and the existence of an office or other fixed place of business used by employees or officers of the U.S. person in carrying out business activities outside the United States. Activities outside the United States shall be deemed to constitute a foreign branch for purposes of this section if the activities constitute a permanent establishment under the terms of a treaty between the United States and the country in which the activities are carried out. Any U.S. person may be treated as having a foreign branch for purposes of this section, whether that person is a corporation, partnership, trust, estate, or individual.

(2) *More than one branch.* If a U.S. person carries on more than one branch operation outside the United States, then the rules of this section must be separately applied with respect to each foreign branch that is transferred to a foreign corporation. Thus, the previously deducted losses of one branch may not be offset, for purposes of determining the gain required to be recognized under the rules of this section, by the income of another branch that is also transferred to a foreign corporation. Similarly, the losses of one branch shall not be recaptured upon a transfer of the assets of a separate branch. Whether the foreign activities of a U.S. person are carried out through more than one branch must be determined under all of the facts and circumstances. In general, a separate branch exists if a particular group of activities is sufficiently integrated to constitute a single business that could be operated as an independent enterprise. For purposes of determining the combination of activities that constitute a branch operation as defined in this paragraph (g), the nominal relationship among those activities shall not be controlling. Factors suggesting that nominally separate business operations constitute a single foreign branch include a substantial identity of products, customers, operational facilities, operational processes, accounting and record-keeping functions, management, employees, distribution channels, or sales and purchasing forces. For examples of the application of the principles of this paragraph (g)(2), see Revenue Ruling 81-82, 1981-1 C.B. 127.

(3) *Consolidated group.* For purposes of this section, the activities of each of two domestic corporations outside the United States will be considered to constitute a single foreign branch if—

(i) The two corporations are members of the same consolidated group of corporations; and

(ii) The activities of the two corporations in the aggregate would constitute a single foreign branch if conducted by a single corporation. Notwithstanding the preceding rule of this paragraph (g)(3), gains of a foreign branch of a domestic corporation arising in a year in which that corporation did not file a consolidated return with a second domestic corporation shall not be applied to reduce the previously deducted losses of a foreign branch of the second corporation (but may be applied to reduce such losses of the foreign branch of the first corporation) upon the transfer of the two branches to a foreign corporation, even though the two domestic corporations file a consolidated return for the year in which the transfer occurs and the two branches are considered at that time to constitute a single foreign branch. For an example of the application of the principles of this paragraph (g)(3), see Revenue Ruling 81-89, 1981-1 C.B. 129.

(4) *Property not transferred.* A U.S. transferor's failure to transfer any property of a foreign branch shall be irrelevant to the determination of the branch subject to recapture under the rules of this section. Thus, if the activities with respect to untransferred property constituted a part of the branch operation under the rules of this paragraph (g), then the losses generated by those activities shall be subject to recapture, notwithstanding the failure to transfer the property. For an example of the application of the principles of this paragraph (g)(4), see Revenue Ruling 80-247, 1980-2 C.B. 127, relating to property abandoned by the U.S. transferor.

(h) *Anti-abuse rule.* If—

(1) A U.S. person transfers property of a foreign branch to a domestic corporation for a principal purpose of avoiding the effect of this section; and

(2) The domestic corporation thereafter transfers the property of the foreign branch to a foreign corporation, then, solely for purposes of this section, that U.S. person shall be treated as having transferred the property of the branch directly to the foreign corporation. A U.S. person shall be presumed to have transferred property of a foreign branch for a principal purpose of avoiding the effect of this section if the property is transferred to the domestic corporation less than two years prior to the domestic corporation's transfer of the property to a foreign corporation. This presumption may be rebutted by clear evidence that the subsequent transfer of the property was not contemplated at the time of the initial transfer to the domestic

corporation and that avoidance of the effect of this section was not a principal purpose for the transaction. A transfer may have more than one principal purpose.

(i) *Basis adjustments.* Basis adjustments reflecting gain recognized pursuant to this section shall be made as described in § 1.367(a)-1T(b)(4)(ii).

Par. 5. Section 1.367(d)-1T is added immediately after § 1.367(c)-2, to read as follows:

§ 1.367(d)-1T Transfers of intangible property to foreign corporations (temporary).

(a) *Purpose and scope.* This section provides rules under section 367(d) concerning transfers of intangible property by U.S. persons to foreign corporations pursuant to section 351 or 361. Paragraph (b) of this section specifies the transfers that are subject to section 367(d) and the rules of this section, while paragraph (c) provides rules concerning the consequences of such a transfer. In general, the U.S. transferor will be treated as receiving annual payments contingent on productivity or use of the transferred property, over the useful life of the property (regardless of whether such payments are in fact made by the transferee). Paragraphs (d), (e), and (f) of this section provide rules for cases in which there is a later direct or indirect disposition of the intangible property transferred. In general, deemed annual license payments will continue if a transfer is made to a related person, while gain must be recognized immediately if the transfer is to an unrelated person. Paragraph (g) of this section provides several special rules, including a rule allowing appropriate adjustments where deemed payments under section 367(d) are not in fact received by the U.S. transferor of the intangible property, and a rule providing for a limited election to treat certain transfers of intangible property as sales at fair market value (in lieu of applying the general useful life-contingent payment rule). In addition, paragraph (g) of this section provides rules coordinating the application of section 367(d) with other relevant Code sections. Paragraph (h) of this section defines the term "related person" for purposes of this section. Finally, paragraph (i) of this section provides the effective date of this section. For rules concerning transfers of intangible property pursuant to section 332, see § 1.367(a)-5T(e).

(b) *Intangible property subject to section 367(d).* Section 367(d) and the rules of this section shall apply to the

transfer of any intangible property, as defined in § 1.367(a)-1T(d)(5)(i). However, section 367(d) and the rules of this section shall not apply to the transfer of foreign goodwill or going concern value, as defined in § 1.367(a)-1T(d)(5)(iii), or to the transfer of intangible property described in § 1.367(a)-5T(b)(2). However, the transfer of those items to a foreign corporation is subject to the rules set forth in § 1.367(a)-6T, and the transfer of intangible property described in § 1.367(a)-5T(b)(2) is subject to the rules set forth in § 1.367(a)-5T. For a special rule relating to the transfer of operating intangibles, as defined in § 1.367(a)-1T(d)(5)(ii), see paragraph (g)(3) of this section. Transfers of intangible property to foreign corporations pursuant to section 351 or 361 are subject to the rules of this section regardless of whether the property is to be used in the United States, in connection with goods to be sold or consumed in the United States, or in connection with a trade or business outside the United States.

(c) *Deemed payments upon transfer of intangible property to foreign corporation*—(1) *In general.* If a U.S. person transfers intangible property that is subject to section 367(d) and the rules of this section to a foreign corporation in an exchange described in section 351 or 361, then such person shall be treated as having transferred that property in exchange for annual payments contingent on the productivity or use of the property. Such person shall, over the useful life of the property, annually include in gross income an amount that represents an appropriate arms-length charge for the use of the property. The appropriate charge shall be determined in accordance with the provisions of section 482 and regulations thereunder. See § 1.482-2(d). The amount of the deemed payment thus calculated shall be reduced by any royalty or other periodic payment made or accrued by the transferee to an unrelated person during that taxable year for the right to use the intangible property. Amounts so included in the transferor's income shall be treated as ordinary income from sources within the United States. For purposes of computing estimated tax payments, deemed payments under this paragraph (c) shall be treated as received by the transferor on the last day of its taxable year.

(2) *Required adjustments.* The following adjustments shall be made with respect to a U.S. person's recognition of a deemed payment for the use of intangible property under this paragraph (c):

(i) For purposes of chapter 1 of the Code, the earnings and profits of the transferee foreign corporation shall be reduced by the amount of such deemed payment; and

(ii) For purposes of Subpart F of Part III of subchapter N of the Code, the transferee foreign corporation may treat such deemed payment as an expense (whether or not that amount is actually paid), properly allocated and apportioned to gross income subject to Subpart F, in accordance with the provisions of §§ 1.954-1(c) and 1.861-8. No other special adjustments to earning the profits, basis, or gross income shall be permitted by reason of the recognition of a deemed payment under this paragraph (c). However, see paragraph (g)(1) of this section for rules permitting the establishment of an account receivable with respect to deemed payments not actually received by the U.S. person.

(3) *Useful life.* For purposes of this section, the useful life of intangible property is the entire period during which the property has value. However, in no event shall the useful life of an item of intangible property be considered to exceed twenty years. If intangible property derives its value from secrecy or from protections afforded by law, the useful life of such property shall terminate when the property is no longer secret or no longer legally protected.

(4) *Blocked income.* No deemed payment included in a taxpayer's income under paragraph (c)(1) of this section shall be treated as deferrable income for purposes of applying rules relating to blocked foreign income. See Revenue Ruling 74-351, 1974-2 C.B. 144.

(d) *Subsequent transfer of stock of transferee foreign corporation to unrelated person*—(1) *Treatment as sale of intangible property.* If a U.S. person transfers intangible property that is subject to section 367(d) and the rules of this section to a foreign corporation in an exchange described in section 351 or 361, and within the useful life of the intangible property that U.S. transferor subsequently disposes of the stock of the transferee foreign corporation to a person that is not a related person (within the meaning of paragraph (h) of this section), then the U.S. transferor shall be treated as having simultaneously sold the intangible property to the person acquiring the stock of the transferee foreign corporation. The U.S. transferor shall be required to recognize gain (but not loss) from sources within the United States in an amount equal to the difference between the fair market value of the

transferred intangible property on the date of the subsequent disposition and the U.S. transferor's former adjusted basis in that property (determined as of the original transfer). If the U.S. transferor's disposition of the stock of the transferee foreign corporation is subject to U.S. tax other than by reason of this paragraph (d), then the amount of gain otherwise required to be recognized with respect to the stock of the transferee foreign corporation shall be reduced by the amount of gain recognized with respect to the intangible property pursuant to this paragraph (d).

(2) *Required adjustments.* If a U.S. person disposes of the stock of a transferee foreign corporation, and under paragraph (d)(1) of this section is treated as having simultaneously sold intangible property, then, for purposes of computing basis and earnings and profits, the person acquiring the stock of the transferee foreign corporation shall be deemed to have purchased that property at fair market value and to have immediately thereafter contributed it to the transferee foreign corporation in a transaction not covered by section 367(d). Therefore, for purposes of chapter 1 of the Code—

(i) The transferee foreign corporation's basis in the intangible property will be equal to its fair market value (as calculated for purposes of determining the gain required to be recognized by the U.S. transferor);

(ii) The acquiring person's basis in the stock of the transferee foreign corporation shall be determined as if no portion of the consideration given by the acquiring person for the stock is attributable to the intangible property; and

(iii) The earnings and profits of the transferee foreign corporation will not be affected by the transfer of its stock or the deemed transfer to it of the intangible property.

(e) *Subsequent transfer of stock of transferee foreign corporation to related person*—(1) *Transfer to related U.S. person treated as disposition of intangible property.* If a U.S. person transfers intangible property that is subject to section 367(d) and the rules of this section to a foreign corporation in an exchange described in section 351 or 361 and, within the useful life of the transferred intangible property, that U.S. transferor subsequently transfers the stock of the transferee foreign corporation to U.S. persons that are related to the transferor within the meaning of paragraph (h) of this section, then the following rules shall apply:

(i) Each such related U.S. person shall be treated as having received (with the

stock of the transferee foreign corporation) a right to receive a proportionate share of the contingent annual payments that would otherwise be deemed to be received by the U.S. transferor under paragraph (c) of this section.

(ii) Each such related U.S. person shall, over the useful life of the property, annually include in gross income a proportionate share of the amount that would have been included in the income of the U.S. transferor pursuant to paragraph (c) of this section. Such amounts shall be treated as ordinary income from sources within the United States.

(iii) The amount of income required to be recognized by the U.S. transferor pursuant to the rule of paragraph (d)(1) of this section shall be reduced to the amount determined in accordance with the following formula:

(d)(1) amount \times (100% - (e) percentage)

For purposes of the above formula, the "(d)(1) amount" is the income that would otherwise be required to be recognized by the transferor corporation pursuant to paragraph (d)(1) of this section, and the "(e) percentage" is the percentage of the transferor corporation's total deemed rights to receive contingent annual payments under paragraph (c) of this section that is deemed to be transferred to related U.S. persons under the rules of this paragraph (e).

(iv) The rules of paragraphs (d) and (e) of this section shall be reapplied in the case of any later transfer of the stock of the transferee foreign corporation by a related U.S. person that received such stock in a transfer that was subject to the rules of this paragraph (e). For purposes of reapplying the rules of paragraphs (d) and (e), each such related U.S. person shall be treated as a U.S. transferor of intangible property to the transferee foreign corporation (to the extent of the interest attributed to such person pursuant to subdivision (i) of this paragraph (e)(1)).

(2) *Required adjustments.* If a U.S. person transfers stock of a transferee foreign corporation to a U.S. related person in a transaction that is subject to the rules of paragraph (e)(1) of this section, the following adjustments shall be made:

(i) For purposes of chapter 1 of the Code, the earnings and profits of the transferee foreign corporation shall be reduced by the amount of any payment deemed to be received by a related U.S. person under paragraph (e)(1)(ii) of this section;

(iii) For purposes of Subpart F of Part III of subchapter N of the Code, the transferee foreign corporation may allocate and apportion such deemed payments (whether or not such payments are actually made to gross income subject to Subpart F to the extent appropriate under the provisions of §§ 1.954-1(c) and 1.861-8;

(iii) For purposes of reapplying the rules of paragraph (d) and (e) of this section, if the related U.S. person is deemed to have received a right to contingent annual payments for the use of intangible property, then the U.S. related person shall be deemed to have held a proportionate share of the property with a basis equal to a proportionate share of the U.S. transferor's adjusted basis plus the gain, if any, recognized by the U.S. transferor on the earlier transfer of the stock to the U.S. related person, and then to have transferred that proportionate share of the property to the foreign corporation in a transfer subject to section 367(d); and

(iv) If the U.S. transferor is itself required to recognize gain upon the transfer by reason of the operation of paragraphs (d)(1) and (e)(1)(iii) of this section (because stock of the transferee foreign corporation is also transferred to unrelated persons), then those unrelated persons shall be deemed to have purchased a proportionate share of the transferred intangible property at fair market value and immediately contributed that property to the transferee foreign corporation, consistent with the general rule of paragraph (d)(2) of this section concerning transfers of stock to unrelated persons. Therefore, for purposes of chapter 1 of the Code—

(A) Each unrelated person's basis in the stock of the transferee foreign corporation shall be increased to the extent of the gain recognized by the U.S. transferor upon the deemed purchase of intangible property by that person; and

(B) The transferee foreign corporation will receive an increase in its basis in the transferred intangible property equal to the fair market value of that portion of the intangible property deemed to be contributed to the transferee foreign corporation by unrelated persons (as calculated for purposes of determining the gain required to be recognized by the U.S. transferor).

(3) *Transfer to related foreign person not treated as disposition of intangible property.* If a U.S. person transfers intangible property that is subject to section 367(d) and the rules of this section to a foreign corporation in an exchange described in section 351 or 361, and within the useful life of the

transferred intangible property, that U.S. transferor subsequently transfers any of the stock of the transferee foreign corporation to one or more foreign persons that are related to the transferor within the meaning of paragraph (h) of this section, then the U.S. transferor shall continue to include in its income the deemed payments described in paragraph (c) of this section in the same manner as if the subsequent transfer of stock had not occurred. The rule of this paragraph (e)(3) shall not apply with respect to the subsequent transfer by the U.S. person of any of the remaining stock to any related U.S. person or unrelated person.

(4) *Proportionate share.* For purposes of this paragraph (e), any "proportionate share" shall be determined by reference to the fair market value (at the time of the original transfer) of the stock of the transferee foreign corporation that was transferred by the U.S. transferor and the fair market value of all of the stock of the transferee foreign corporation originally received by the U.S. transferor.

(f) *Subsequent disposition of transferred intangible property by transferee foreign corporation—(1) In general.* If a U.S. person transfers intangible property that is subject to section 367(d) and the rules of this section to a foreign corporation in an exchange described in section 351 or 361, and within the useful life of the intangible property that transferee foreign corporation subsequently disposes of the intangible property to an unrelated person, then—

(i) The U.S. transferor of the intangible property (or any person treated as such pursuant to paragraph (e)(1) of this section) shall be required to recognize gain from U.S. sources (but not loss) in an amount equal to the difference between the fair market value of the transferred intangible property on the date of the subsequent disposition and the U.S. transferor's former adjusted basis in that property (determined as of the original transfer); and

(ii) The U.S. transferor shall be required to recognize a deemed payment under paragraph (c) of this section for that part of its taxable year that the intangible property was held by the transferee foreign corporation and thereafter shall not be required to recognize any further deemed payments under paragraph (c) or (e)(1) of this section with respect to the transferred intangible property disposed of by the transferee foreign corporation.

(2) *Required adjustments.* If a U.S. transferor is required to recognize gain

under paragraph (f)(1) of this section, then—

(i) For purposes of chapter 1 of the Code, the earnings and profits of the transferee foreign corporation shall be reduced by the amount of gain required to be recognized; and

(ii) The U.S. transferor's recognition of gain will permit the establishment of an account receivable from the transferee foreign corporation, in accordance with paragraph (g)(1) of this section.

(3) *Subsequent transfer of intangible property to related person.* The requirement that a U.S. person recognize gain under paragraph (c) or (e) of this section shall not be affected by the transferee foreign corporation's subsequent disposition of the transferred intangible property to a related person. For purposes of any required adjustments, and of any accounts receivable created under paragraph (g)(1) of this section, the related person that receives the intangible property shall be treated as the transferee foreign corporation.

(g) *Special rules—(1) Establishment of accounts receivable—(i) In general.* If a U.S. person is required to recognize income under the provisions of paragraph (c), (e), or (f) of this section, and the amount deemed to be received is not actually paid by the transferee foreign corporation, then the U.S. person may establish an account receivable from the transferee foreign corporation equal to the amount deemed paid that was not actually paid. A separate account receivable must be established for each taxable year in which payments deemed to be received are not actually made. Payments received from the transferee foreign corporation must be designated as payments upon a particular account and must be deducted from that account. Accounts receivable under this paragraph (g)(1) may be established and paid without further U.S. income tax consequences to the U.S. transferor or the transferee foreign corporation. No interest shall be paid or accrued on an account receivable created under this paragraph (g)(1), nor shall any bad debt deduction be allowed under section 166 with respect to any failure to receive payment on an account.

(ii) *Unpaid receivable treated as contribution to capital.* If any portion of an account receivable established under this paragraph (g)(1) remains unpaid as of the last day of the third taxable year following the taxable year to which the account relates, then—

(A) Such portion shall be deemed to have been paid on that date; and

(B) The U.S. person shall be deemed to have contributed an equivalent

amount to the capital of the foreign corporation, and the U.S. person's basis in the stock of the foreign corporation shall, therefore, be increased by that amount.

(2) *Election to treat transfer as sale.* A U.S. person that transfers intangible property to a foreign corporation in a transaction subject to section 367(d) may elect to recognize income in accordance with the rules of this paragraph (g)(2), if—

(i) The intangible property transferred constitutes an operating intangible, as defined in § 1.367(a)-1T(d)(5)(ii); or

(ii) The transfer of the intangible property is either legally required by the government of the country in which the transferee corporation is organized as a condition of doing business in that country, or compelled by a genuine threat of immediate expropriation by the foreign government; or

(iii)(A) The U.S. person transferred the intangible property to the foreign corporation within three months of the organization of that corporation and as part of the original plan of capitalization of that corporation;

(B) Immediately after the transfer, the U.S. person owns at least 40 percent but not more than 60 percent of the total voting power and total value of the stock of the transferee foreign corporation;

(C) Immediately after the transfer, at least 40 percent of the total voting power and total value of the stock of the transferee foreign corporation is owned by foreign persons unrelated to the U.S. person;

(D) Intangible property constitutes at least 50 percent of the fair market value of the property transferred to the foreign corporation by the U.S. transferor; and

(E) The transferred intangible property will be used in the active

conduct of a trade or business outside of the United States within the meaning of § 1.367(a)-2T and will not be used in connection with the manufacture or sale of products in or for use or consumption in the United States.

A person that makes the election under this paragraph (g)(2) shall not be subject to the provisions of paragraphs (c) through (f) of this section. Such person shall instead recognize in the year of the transfer ordinary income from sources within the United States in an amount equal to the difference between the fair market value of the intangible property transferred and its adjusted basis. A U.S. person shall make an election under this paragraph (g)(2) by notifying the Internal Revenue Service of the election in accordance with the requirements of section 6038B and regulations thereunder, and subsequently including the appropriate amounts in gross income in a timely filed tax return for the year of the transfer.

(3) *Intangible property transferred from branch with previously deducted losses.* If income is required to be recognized under section 904(f)(3) and the regulations thereunder or under § 1.367(a)-6T upon the transfer of intangible property of a foreign branch that had previously deducted losses, then the income recognized under those sections with respect to that property shall be credited against amounts that would otherwise be required to be recognized with respect to that same property under paragraphs (c) through (f) of this section in either the current or future taxable years. The amount recognized under section 904(f)(3) or § 1.367(a)-6T with respect to the transferred intangible property shall be determined in accordance with the following formula:

$$\frac{\text{gain from intangibles}}{\text{gain from all branch assets}} \times \text{loss recapture income X}$$

For purposes of the above formula, the "loss recapture income" is the total amount required to be recognized by the U.S. transferor pursuant to section 904(f)(3) or § 1.367(a)-6T. The "gain from intangibles" is the total amount of gain realized by the U.S. transferor pursuant to section 904(f)(3) and § 1.367(a)-6T upon the transfer of items of intangible property that are subject to section 367(d). ["Gain from intangibles" does not include gain realized upon the transfer of property described in § 1.367(a)-5T(b)(2), foreign goodwill or

going concern value, or intangible property with respect to which the taxpayer has made the election provided for in § 1.367(d)-1T(g)(2).] The "gain from all branch assets" is the total amount of gain realized by the transferor upon the transfer of items of property of the branch in which gain is realized. The fraction shall not exceed 1.

(4) *Coordination with section 482—(i) In general.* Section 367(d) and the rules of this section shall not apply in the case of an actual sale or license of intangible property by a U.S. person to a foreign

corporation. If an adjustment under section 482 is required with respect to an actual sale or license of intangible property, then section 367(d) and the rules of this section shall not apply with respect to the required adjustment. If a U.S. person transfers intangible property to a related foreign corporation without consideration, or in exchange for stock or securities of the transferee in a transaction described in sections 351 or 361, no sale or license subject to adjustment under section 482 will be deemed to have occurred. Instead, the U.S. person shall be treated as having made a transfer of the intangible property that is subject to section 367(d).

(ii) *Sham licenses and sales.* For purposes of paragraph (g)(4)(i) of this section, a purported sale or license of intangible property may be disregarded, and treated as a transfer subject to section 367(d) and the rules of this section, if—

(A) The purported sale or license is made to a foreign corporation in which the transferor holds (or is acquiring) an interest; and

(B) The terms of the purported sale or license differ so greatly from the economic substance of the transaction or the terms that would obtain between unrelated persons that the purported sale or license is a sham.

The terms of a purported sale or license, for purposes of applying the rule of this paragraph (g)(4)(ii), shall be determined by reference not only to the nominal terms of the agreement but also to the actual practice of the parties under that agreement. A sale or license of intangible property shall not be disregarded under this paragraph (g)(4)(ii) solely because other property of an integrated business is simultaneously transferred to the foreign corporation by the U.S. transferor in a transaction described in section 367(a)(1) or any statutory or regulatory exception to section 367(a)(1).

(5) *Determination of fair market value.* For purposes of determining the gain required to be recognized immediately under paragraph (d), (f), or (g)(2) of this section, the fair market value of transferred property shall be the single payment arm's-length price that would be paid for the property by an unrelated purchaser determined in accordance with the principles of section 482 and regulations thereunder. The allocation of a portion of the purchase price to intangible property agreed to by the parties to the transaction shall not necessarily be controlling for this purpose.

(6) *Anti-abuse rule.* If a U.S. person—

(i) Transfers intangible property to a domestic corporation with a principal purpose of avoiding the effect of section 367(d) and the rules of this section; and

(ii) Thereafter transfers the stock of that domestic corporation to a related foreign corporation, then solely for purposes of section 367(d) that U.S. person shall be treated as having transferred the intangible property directly to the foreign corporation. A U.S. person shall be presumed to have transferred intangible property for a principal purpose of avoiding the effect of section 367(d) if the property is transferred to the domestic corporation less than two years prior to the transfer of the stock of that domestic corporation to a foreign corporation. The presumption created by the previous sentence may be rebutted by clear evidence that the subsequent transfer of the stock of the domestic transferee corporation was not contemplated at the time the intangible property was transferred to that corporation and that avoidance of section 367(d) and the rules of this section was not a principal purpose of the transaction. A transfer may have more than one principal purpose.

(h) *Related person.* For purposes of this section, persons are considered to be related if—

(1) They are partners or partnerships described in section 707(b)(1) of the Code; or

(2) They are related within the meaning of section 267 (b), (c), and (f) of the Code, except that—

(i) "10 percent or more" shall be substituted for "more than 50 percent" each place it appears; and

(ii) Section 1563 shall apply (for purposes of section 267(d)), without regard to section 1563(b)(2).

(i) *Effective date.* Except as specifically provided to the contrary elsewhere in this section, this section applies to transfers occurring after December 31, 1984.

Par. 6. Section 1.6038B-1T is added immediately after § 1.6038A-1, to read as follows:

§ 1.6038B-1T Reporting of transactions described in section 367 (temporary).

(a) *Purpose and scope.* This section sets forth information reporting requirements under section 6038B, concerning certain transfers of property to foreign persons. Paragraph (b) of this section provides general rules explaining when and how to carry out the reporting required under section 6038B. Paragraphs (c) and (d) of this section specify the information that is required to be reported with respect to transfers of property that are described

in section 367 (a) and (d), respectively. Finally, paragraph (f) of this section sets forth the consequences of a failure to comply with the requirements of section 6038B and this section. Except as specifically provided to the contrary elsewhere in this section, this section applies to transfers occurring after December 31, 1984.

(b) *Time and manner of reporting—(1)*

In general. Any U.S. person that is required to report pursuant to section 6038B and the rules of this section must attach the required information to Form 926 (Return by Transferor of Property to a Foreign Corporation, Foreign Estate or Trust, or Foreign Partnership). Form 926 and the required attachments must be filed at the Internal Revenue Service Center where the U.S. person is required to file its Federal income tax return. Notwithstanding any statement to the contrary on Form 926, the form and attachments must be filed with the transferor's tax return for the taxable year that includes the date of the transfer (as defined in paragraph (b)(3) of this section). However, in the case of a transfer that occurred prior to June 16, 1986, Form 926 and the required attachments must be filed by September 16, 1986, if that date is later than the date the filing would otherwise be required under the preceding sentence. Section 7502 and regulations thereunder shall apply in determining whether the form and attachments are timely filed. Any attachment to Form 926 required under the rules of this section is filed subject to the transferor's declaration under penalties of perjury on Form 926 that the information submitted is true, correct and complete to the best of the transferor's knowledge and belief.

(2) *Person required to file—(i) In general.* Form 926 and the attachments required under the rules of this section must be filed by each U.S. person that makes a transfer described in section 367 (a) or (d). No notice shall be required under this section with respect to a distribution described in section 367(e). No notice shall be required under this section with respect to a transfer of stock of securities described in § 1.367(a)-3T(f)(1) or with respect to a transfer described in section 367(a)(2). If two or more persons transfer jointly-owned property to a foreign corporation in a transfer with respect to which a notice is required under this section, then each person must report with respect to the particular interest he transferred, specifying the nature and extent of the interest. However, a husband and wife (and their minor children) may jointly file a single information return. If two or more U.S.

persons owning stock or securities in a corporation transfer such stock or securities to a foreign corporation in the same transaction, then the corporation whose stock or securities are transferred may, at its choice, file the notice required by this section on behalf of its shareholders. In that case, a single Form 926, signed by the responsible officer of the corporation, shall be filed, containing the required information with respect to each shareholder, other than shareholders described in § 1.367(a)-3T(f)(1).

(ii) *Indirect transfers.* If a U.S. person that holds an interest in an entity is considered to make an indirect transfer (when the entity transfers property to a foreign corporation) under the provisions of—

(A) Section 367(a)-1T(c)(2)(i)(B) (concerning mergers to which section 368(a)(2)(D) applies);

(B) Section 367(a)-1T(c)(2)(i)(C) (concerning mergers to which section 368(a)(2)(E) applies);

(C) Section 367(a)-1T(c)(2)(ii) (concerning reorganizations described in section 368(a)(1)(B));

(D) Section 367(a)-1T(c)(2)(iii) (concerning reorganizations described in section 368(a)(1)(C));

(E) Section 367(a)-1T(c)(3)(i) (concerning transfers of property by a partnership); or

(F) Section 367(a)-1T(c)(4) (concerning transfers of property by a trust or estate).

then the requirements of this section shall apply with respect to each such person. However, the requirements of this section may be satisfied by the entity, on behalf of its interest-holders, by the filing of a single information return containing the required information with respect to each interest-holder (other than persons described in § 1.367(a)-3T(f)(1)) that is considered to make a transfer described in section 367(a). If the entity chooses to satisfy the requirements of this section on behalf of its interest-holders, Form 926 must be signed by a responsible officer in the case of a corporation, by a general partner in the case of a partnership, and by a trustee, executor, or equivalent fiduciary in the case of a trust or estate.

(3) *Date of transfer.*—(i) *In general.* For purposes of this section, the date of a transfer described in section 367 is the first date on which title to, possession of, or rights to the use of stock, securities, or other property passes pursuant to the plan for purposes of subtitle A of the Internal Revenue Code. A transfer will not be considered to begin with a decision of a board of

directors or similar action unless the transaction otherwise takes effect for purposes of subtitle A of the Internal Revenue Code on that date.

(ii) *Termination of section 1504(d) election.* A transfer deemed to occur as a result of the termination of an election under section 1504(d) will be considered to occur on the date the contiguous country corporation first fails to continue to qualify for the election under section 1504(d). The rule of this paragraph (b)(3)(ii) is illustrated by the following example.

Example. Domestic corporation W previously made a valid election under section 1504(d) to have its Mexican subsidiary S treated as a domestic corporation. On August 1, 1986, W disposes of its right, title, and interest in 10 percent of the stock of S by selling such stock to an unrelated United States person who is not a director of S. S first fails to continue to qualify for the election under section 1504(d) on August 1, 1986, since on such date it ceases to be directly or indirectly wholly owned or controlled by W. The constructive transfer of assets from "domestic" corporation S to Mexican corporation S is considered to occur on that date.

(iii) *Change in classification.* A transfer deemed to occur as a result of a change in classification of an entity caused by a change in the governing documents, articles, or agreements of the entity (as described in § 1.367(a)-1T(c)(6)) will be considered to occur on the date that such changes take effect for purposes of subtitle A of the Internal Revenue Code.

(iv) *U.S. resident under section 6013 (g) or (h).* A transfer made by an alien individual who is considered to be a U.S. resident by reason of a timely election under section 6013 (g) or (h) will be considered to occur, for purposes of this section (but not for purposes of section 367), on the later of—

(A) The date on which the election under section 6013 (g) or (h) is made; or

(B) The date on which the transfer would otherwise be considered to occur under the rules of this paragraph (b)(3).

The rule of this paragraph (b)(3)(iv) is illustrated by the following example.

Example. D is a nonresident alien individual who is married to a United States citizen. On March 1, 1986, D transfers property to a foreign corporation in an exchange described in section 351. On April 15, 1987, D and the spouse timely file with their tax return for the taxable year ended December 31, 1986, an election under section 6013(g) for D to be treated as a United States resident. The election is effective on January 1, 1986. For purposes of section 6038 B, the transfer described in section 367(a) made by D in connection with the section 351 exchange is considered to occur on April 15,

1987, the date on which the timely election was made under section 6013(g).

(c) *Information required with respect to transfers described in section 367*

(a)(1). A U.S. person that transfers property to a foreign corporation in an exchange described in section 367(a)(1) (other than a transfer described in section 367(a)(2)) must provide the following information in paragraphs labelled to correspond with the number or letter set forth below. If a particular item is not applicable to the subject transfer, list its heading and state that it is not applicable.

(1) *Transferor.* Provide the name, U.S. taxpayer identification number, and address of the U.S. person making the transfer.

(2) *Transfer.* Provide the following information concerning the transfer:

(i) Name, U.S. taxpayer identification number (if any), address, and country of incorporation of transferee foreign corporation;

(ii) A general description of the transfer, and any wider transaction of which it forms a part, including a chronology of the transfers involved and an identification of the other parties to the transaction to the extent known.

(3) *Consideration received.* Provide a description of the consideration received by the U.S. person making the transfer, including its estimated fair market value and, in the case of stock or securities, the class or type, amount, and characteristics of the interest received.

(4) *Property transferred.* Provide a description of the property transferred. The description must be divided into the following categories, and must include the estimated fair market value and adjusted basis of the property, as well as any additional information specified below.

(i) *Active business property.* Describe any transferred property (other than stock or securities) to be used in the active conduct of a trade or business outside of the United States. Provide here a general description of the business conducted (or to be conducted) by the transferee, including the location of the business, the number of its employees, the nature of the business, and copies of the most recently prepared balance sheet and profit and loss statement. Property listed within this category may be identified by general type. For example, upon the transfer of the assets of a manufacturing operation, a reasonable description of the property to be used in the business might include the categories of office equipment and supplies, computers and related equipment, motor vehicles, and several major categories of manufacturing

equipment. However, any property that is includible both in this subdivision (i) and in subdivision (iii) of this paragraph (c)(4) (property subject to depreciation recapture under § 1.367(a)-4T (b)) must be identified in the manner required in subdivision (iii). If property is considered to be transferred for use in the active conduct of a trade or business under a special rule in § 1.367(a)-4T, specify the applicable rule and provide information supporting the application of the rule. If property is subject to section 367(a)(1) regardless of its use in a trade or business under the rules of §§ 1.367(a)-4T or 1.367(a)-5T, list the property only in response to subdivision (vii) of this paragraph (c)(4).

(ii) *Stock or securities.* Describe any transferred stock or securities, including the class or type, amount, and characteristics of the transferred stock or securities, as well as the name, address, place of incorporation, and general description of the corporation issuing the stock. In addition, provide the following information if applicable:

(A) *Active trade or business stock.* If the stock or securities are considered to be transferred for use in the active conduct of a trade or business outside of the United States under the rules of § 1.367(a)-3T(d)(2), provide information supporting the application of the rule.

(B) *Application of special rules.* If any provision of § 1.367(a)-3T applies to except the transfer of stock or securities from the rule of section 367(a)(1), provide information supporting the claimed application of such provision (including information supporting the nonapplicability of either anti-abuse rule under § 1.367(a)-3T(h)). If the transferor is entering into an agreement to recognize gain upon a later disposition of the transferred stock by the transferee foreign corporation under § 1.367(a)-3T(g), attach the agreement and waiver as required by the rules of that paragraph.

(iii) *Depreciated property.* Describe any property that is subject to depreciation recapture under the rules of § 1.367(a)-4T(b). Property within this category must be separately identified to the same extent as was required for purposes of the previously claimed depreciation deduction. Specify with respect to each such asset the relevant recapture provision, the number of months in which such property was in use within the United States, the total number of months the property was in use, the fair market value of the property, a schedule of the depreciation deduction taken with respect to the property, and a calculation of the amount of depreciation required to be recaptured.

(iv) *Property to be leased.* Describe any property to be leased to other persons by the transferee foreign corporation (unless such property is considered to be transferred for use in the active conduct of a trade or business and was thus listed under subdivision (i) of this paragraph (c)(4)). If the rules of § 1.367(a)-4T(c)(2) apply to except the transfer from the rule of section 367(a)(1), provide information supporting the claimed application of such provision.

(v) *Property to be sold.* Describe any transferred property that is to be sold or otherwise disposed of by the transferee foreign corporation, as described in § 1.367(a)-4T(d).

(vi) *Transfers to FSCs.* Describe any property that is subject to the special rule of § 1.367(a)-4T(g) for transfers to FSCs. Provide information supporting the claimed application of that rule.

(vii) *Tainted property.* Describe any property that is subject to § 1.367(a)-5T (concerning property that is subject to the rule of section 367(a)(1) regardless of whether it is transferred for use in the active conduct of a trade or business outside of the United States). Such description must be divided into the relevant categories, as follows:

(A) *Inventory, etc.* Property described in § 1.367(a)-5T(b);

(B) *Installment obligations, etc.*

Property described in § 1.367(a)-5T(c);

(C) *Foreign currency, etc.* Property described in § 1.367(a)-5T(d);

(D) *Intangible property.* Property described in § 1.367(a)-5T(e); and

(E) *Leased property.* Property described in § 1.367(a)-4T(f).

If any exception provided in § 1.367(a)-5T applies to the transferred property (making section 367(a)(1) not applicable to the transfer), provide information supporting the claimed application of such exception.

(viii) *Foreign loss branch.* Provide the information specified in paragraph (c)(5) of this section.

(ix) *Other intangibles.* Describe any intangible property sold or licensed by the transferor to the transferee foreign corporation, and set forth the general terms of each sale or license.

(5) *Transfer of foreign branch with previously deducted losses.* If the property transferred is property of a foreign branch with previously deducted losses subject to the rules of § 1.367(a)-6T, provide the following information:

(i) *Branch operation.* Describe the foreign branch the property of which is transferred, in accordance with the definition of § 1.367(a)-6T(g).

(ii) *Branch property.* Describe the property of the foreign branch, including

its adjusted basis and fair market value. For this purpose property must be identified with reasonable particularity, but may be identified by category rather than listing every asset separately. Substantially similar property may be listed together for this purpose, and property of minor value may be grouped into functional categories. For example, a reasonable description of the property of a business office might include the following categories: word processing or data processing equipment, other office equipment and furniture, and office supplies.

(iii) *Previously deducted losses.* Set forth a detailed calculation of the sum of the losses incurred by the foreign branch before the transfer, and a detailed calculation of any reduction of such losses, in accordance with § 1.367(a)-6T (d) and (e).

(iv) *Character of gain.* Set forth a statement of the character of the gain required to be recognized, in accordance with § 1.367(a)-6T(c)(1).

(d) *Transfers subject to section 367(d)—(1) Initial transfer.* A U.S. person that transfers intangible property to a foreign corporation in an exchange described in section 351 or 361 must provide the following information in paragraphs labelled to correspond with the number or letter set forth below. If a particular item is not applicable to the subject transfer, list its heading and state that it is not applicable. The information required by subdivisions (i) through (iii) need only be provided if such information was not otherwise provided under paragraph (c) of this section. (Note that the U.S. transferor may subsequently be required to file another return under paragraph (d)(2) of this section.)

(i) *Transferor.* Provide the name, U.S. taxpayer identification number, and address of the U.S. person making the transfer.

(ii) *Transfer.* Provide information concerning the transfer, including:

(A) Name, U.S. taxpayer identification number (if any), address, and country of incorporation of the transferee foreign corporation; (B) A general description of the transfer, and any wider transaction of which it forms a part, including a chronology of the transfers involved and an identification of the other parties to the transaction to the extent known.

(iii) *Consideration received.* Provide a description of the consideration received by the U.S. person making the transfer, including its estimated fair market value and, in the case of stock or securities, the class or type, amount, and characteristics of the interest received.

(iv) *Intangible property transferred.* Provide a description of the intangible property transferred, including its adjusted basis. Generally, each intangible asset must be separately identified. Operating intangibles and foreign goodwill or going concern value, as defined in § 1.367(a)-1T(d)(5) (ii) and (iii), should be so identified and classified.

(v) *Annual payment.* Provide and explain the calculation of the annual deemed payment for the use of the intangible property required to be recognized by the transferor under the rules of section 367(d).

(vi) *Election to treat as sale.* List any intangible with respect to which an election is being made under § 1.367(d)-1T(g)(2) to treat the transfer as a sale. Include the fair market value of the intangible on the date of the transfer and a calculation of the gain required to be recognized in the year of the transfer by reason of the election.

(vii) *Coordination with loss rules.* List any intangible property subject to section 367(d) the transfer of which also gives rise to the recognition of gain under section 904(f)(3) or § 1.367(a)-6T. Provide a calculation of the gain required to be recognized with respect to such property, in accordance with the provisions of § 1.367(d)-1T(g)(4).

(viii) *Other intangibles.* Describe any intangible property sold or licensed by the transferor to the transferee foreign corporation, and set forth the general terms of each sale or license.

(2) *Subsequent transfers.* If a U.S. person transfers intangible property to a foreign corporation in an exchange described in section 351 or 361, and at any time thereafter (within the useful life of the intangible property) either that U.S. person disposes of the stock of the transferee foreign corporation or the transferee foreign corporation disposes of the transferred intangible, then the U.S. person must provide the following information in paragraphs labelled to correspond with the number or letter set forth below. The information required by subdivisions (i) and (ii) need only be provided if such information was not otherwise provided in the same return, pursuant to paragraph (c) or (d)(1) of this section. For purposes of determining the date on which a return under this subparagraph (2) is required to be filed, the date of transfer is the date of the subsequent transfer of stock or intangible property.

(i) *Transferor.* Provide the name, U.S. taxpayer identification number, and address of the U.S. person making the transfer.

(ii) *Initial transfer.* Provide the following information concerning the initial transfer:

(A) The date of the transfer;

(B) The name, U.S. taxpayer identification number (if any), address, and country of incorporation of the transferee foreign corporation; and

(C) A general description of the transfer and any wider transaction of which it formed a part.

(iii) *Subsequent transfer.* Provide the following information concerning the subsequent transfer:

(A) A general description of the subsequent transfer and any wider transaction of which it forms a part;

(B) A calculation of any gain required to be recognized by the U.S. person under the rules of § 1.367(d)-1T (d) through (f); and

(C) The name, address, and identifying number of each person that under the rules of § 1.367(d)-1T (e) or (f) will be considered to receive contingent annual payments for the use of the intangible property.

(e) *Transfers subject to section 367(e).* [Reserved]

(f) *Failure to comply with reporting requirements—(1) Consequences of failure.* If a U.S. person is required to file a notice under § 1.6038B-1T(b) and fails to comply with the applicable reporting requirements of section 6038B and this section, then with respect to the particular property as to which there was a failure to comply—

(i) That property shall not be considered to have been transferred for use in the active conduct of a trade or business outside of the United States, for purposes of section 367(a) and regulations thereunder;

(ii) The U.S. person shall pay a penalty equal to 25 percent of the amount of gain realized on the exchange of that property (without regard to whether gain is recognized on the transfer); and

(iii) The period of limitations on assessment of tax upon the transfer of that property shall not begin to run until the date on which the transferor does comply with the applicable reporting requirements.

Thus, the time for assessment of tax is extended indefinitely if the transferor's failure to comply is continued indefinitely.

(2) *Failure to comply.* A failure to comply with the requirements of section 6038B is—

(i) The failure to report at the proper time and in the proper manner any material information required to be reported under the rules of this section; or

(ii) The provision of false or inaccurate information in purported compliance with the requirements of this section.

Thus, a transferor that timely files Form 926 with the attachments required under the rules of this section shall, nevertheless, have failed to comply if, for example, the transferor reports therein that property will be used in the active conduct of a trade or business outside of the United States, but in fact such property continues to be used in a trade or business within the United States.

(3) *Reasonable cause exception.* The provisions of paragraph (f)(1) of this section shall not apply if the transferor shows that a failure to comply was due to reasonable cause and not willful neglect. The transferor may do so by providing a written statement to the district director having jurisdiction of the taxpayer's return for the year of the transfer, setting forth the reasons for the failure to comply. Whether a failure to comply was due to reasonable cause shall be determined by the district director under all the facts and circumstances.

Par. 7. The authority for Part 7 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * Section 7.367(b)-1 and 7.367(b)-4 also issued under 26 U.S.C. 367(b).

Par. 8. Section 7.367(b)-1 is amended by removing the last sentence of paragraph (a) and adding in lieu thereof the following two new sentences.

§ 7.367(b)-1 Other transfers.

(a) *Scope.* * * * An exchange to which section 367(b) applies is an exchange described in section 367(b) and in section 332, 351, 354, 355, 356, or 361 with respect to which the status of a foreign corporation as a corporation is relevant for determining the extent to which gain shall be recognized and in connection with which there is no transfer described in section 367(a). An election by a domestic corporation under section 1504(d) to treat a corporation organized under the laws of a contiguous foreign country as a domestic corporation shall be considered to be a transfer of property made pursuant to an exchange to which section 367(b) applies.

Par. 9. Section 7.367(b)-4 is amended by revising paragraph (b)(2)(i) to read as follows:

§ 7.367(b)-4 Certain exchanges described in more than one Code provision.

* * * * *

(b) *Treatment of certain exchanges described in both section 354 and in either section 351 or 361*

(2) *Exceptions.* * * *

(i) *Specified treatment.* If an exchange of stock in a foreign corporation by a U.S. person is an exchange to which the rules under section 367(a) apply, then the gain required to be included in gross income under paragraph (b)(1)(i)(B) or paragraph (b)(1)(ii) of this section shall not be required to be immediately recognized under this paragraph (b), and instead the transaction shall be treated in accordance with the regulations under section 367(a). See § 1.367(a)-3T.

Par. 10. The authority citation for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 11. Section 602.101(c) is amended by inserting in the appropriate place in the table "§ 1.367(a)-1T. . . 1545-0026" "§ 1.367(a)-2T. . . 1545-0026" "§ 1.367(a)-3T. . . 1545-0026" "§ 1.367(a)-6T. . . 1545-0026" "§ 1.367(a)-1T. . . 1545-0026" "§ 1.6038B-1T. . . 1545-0026"

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: April 29, 1986.

J. Roger Mentz,
Assistant Secretary of the Treasury.
[FR Doc. 86-10831 Filed 5-15-86; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 513

[Army Reg. 600-15]

Indebtedness of Military Personnel; Claim Processing Policies; Correction

AGENCY: Department of the Army Community and Family Support, Defense.

ACTION: Final rule.

SUMMARY: This rule gives the Army's policies and procedures governing private indebtedness of Army members. It also provides for processing claims. It forbids debt collectors from contacting commanders without prior consent of the debtor or without a court order.

EFFECTIVE DATE: May 16, 1986.

ADDRESS: Commander, U.S. Army Community and Family Support Center (DACF-IS-PA), Room 468, Hoffman I, Eisenhower Avenue, Alexandria, VA 22331-0522.

FOR FURTHER INFORMATION CONTACT: LTC Milton J. Brolcaw, (202) 325-8951.

SUPPLEMENTARY INFORMATION: On Monday, March 3, 1986 the Department of the Army published a final rule (51 FR 7268) FR Doc. 86-4290, concerning Indebtedness of Military Personnel; Claim Processing Policies. The rule contained some administrative errors which require the Army to remove § 513.1(j) in its entirety until corrections can be made.

This regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et al. Further, this regulation does not meet the economic requirements of Executive Order 2291. And, this regulation does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 32 CFR Part 513

Credit, Debts, Wages, Military personnel.

1. The authority citation for Part 513 continues to read:

Authority: 10 U.S.C. 3012.

2. According to 32 CFR Part 513 is amended by removing § 513.1(j).

John O. Roach, II,
Army Liaison Officer with the Federal Register.

[FR Doc. 86-10935 Filed 5-15-86; 8:45 am]
BILLING CODE 3710-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-86-11]

Special Local Regulations: Norfolk Harborfest 1986, Elizabeth River, Norfolk, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the City of Norfolk Harborfest. This event will be held on the Elizabeth River, between the Norfolk and Portsmouth downtown areas. These special local regulations are needed to control vessel traffic within the immediate vicinity of the Harborfest activities due to the confined nature of the waterway and the expected congestion at the time of the events. The effect will be to restrict general

navigation in the area for the safety of spectators and participants in the event.

EFFECTIVE DATES: These regulations effective as follows.

- a. 6 June 1986, 10:00 am until 10:00 pm
- b. 7 June 1986, 8:30 am until 10:30 pm
- c. 8 June 1986, 9:30 am until 6:00 pm

FOR FURTHER INFORMATION CONTACT: B.J. Stephenson, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6204).

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rule making has not been published for these regulations, and good cause exists for making them effective in less than 30 days from the date of publication. There was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information: The drafters of this notice are Mr. Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and LT. Wade Mitchell, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulations: The three-day City of Norfolk Harborfest, sponsored by Norfolk Festevents, Inc., will consist of numerous water events, including: parade of vessels, water ski exhibitions, boat races, military vessel and helicopter demonstrations, and fireworks. Commercial vessels will be permitted to transit the regulated area between events, and thus commercial traffic should not be severely disrupted at any given time.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations: In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority 33: U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35-0511 is added to read as follows:

100.35-0511. Elizabeth River, Norfolk, Virginia.

(a) *Regulated Area:* The waters of the Elizabeth River and its branches from shore to shore, except marinas, piers, and shipyards, bounded to the northwest by a line drawn over the Midtown Tunnel, located in the Port Norfolk Reach section of the Elizabeth River between Pinner's Point at latitude 36°51'26.0" North, longitude 76°18'59.0"

West and the northeast shore of the Elizabeth River at latitude 36°51'39.5" North, longitude 76°18'36.5" West, to the south by a line drawn over the Downtown Tunnel, located in the Lower Reach section of the Elizabeth River, between the western shore of the Southern Branch of the Elizabeth River in Portsmouth, Virginia at latitude 36°49'57.0" North, longitude 76°17'46.0" West, and the eastern shore at latitude 36°49'56.5" North, longitude 76°17'34.5" West, and to the southeast by the Berkley Bridge which crosses the Eastern Branch of the Elizabeth River between Berkley at latitude 36°50'21.5" North, longitude 76°17'14.5" West and Norfolk at latitude 36°50'35.0" North, longitude 76°17'10.0" West.

(b) *Special Local Regulations:*

(1) Except for participants in the Norfolk Harborfest, or persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel underway or at anchor may enter or remain in the regulated area. The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop his vessel immediately upon being directed to do so by any Coast Guard officer or petty officer on board a vessel displaying a Coast Guard ensign, and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(2) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of these regulations but may not block a navigable channel.

(3) The Coast Guard Patrol Officer is a commissioned officer of the Coast Guard who has been designated by the Commander, Fifth Coast Guard District. The Patrol Commander will be stationed at the reviewing platform at Town Point.

(4) The Coast Guard Patrol Officer may stop the event to allow the transit of backed up marine traffic through the regulated area.

Dated: May 7, 1986.

James C. Irwin,
Rear Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.

[FR Doc. 86-11014 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 153

[CGD 84-067]

Oil and Hazardous Substance Discharge Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This Final Rule amends the procedures for reporting discharges of

oil and hazardous substances as required by section 311 of the Federal Water Pollution Control Act, as amended (FWPCA), revises or deletes outdated language, and clarifies the criteria for direct payment from the Pollution Fund. These revisions are necessary to reflect amendments to the FWPCA and the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan), and to remain consistent with related Environmental Protection Agency regulations. The intended effect of this rule is to assure consistency of this Part with the statutory provisions of the FWPCA, the regulatory requirements of the National Contingency Plan, and the statutory reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

EFFECTIVE DATE: June 16, 1986.

FOR FURTHER INFORMATION CONTACT:

LT G.A. Wiltshire; 202-426-9568.

SUPPLEMENTARY INFORMATION: The proposed rulemaking was published on September 20, 1985 (50 FR 38139) and invited comments for 60 days ending November 19, 1985. Comments were received from seven sources including individuals, industry groups, businesses, and federal agencies. No public hearings were requested and none were held. A discussion of the comments received and the actions taken are discussed below.

Drafting Information

The principal persons involved in the drafting of this final rule are Lieutenant G.A. Wiltshire, Project Officer, Office of Marine Environment and Systems, and Lieutenant S. Sylvester, Project Attorney, Office of the Chief Counsel.

Background

The regulations in Part 153 of Title 33 of the Code of Federal Regulations concerning notice of discharges of oil or hazardous substances, oil discharge removal, and administration of the Pollution Fund established by section 311(k) of the Federal Water Pollution Control Act, as amended (FWPCA) (33 U.S.C. 1321) were published in 1976. Since that time, both the FWPCA and the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) (40 CFR Part 300) have been amended. As a result, some of the definitions, procedures, and references in the regulations were outdated. In addition, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.) established requirements to report hazardous substance releases that

overlapped the FWPCA reporting requirements. A Notice of Proposed Rulemaking was published on September 20, 1985 in the Federal Register (50 FR 38139) where various revisions were proposed to Part 153 to delete outdated materials, to update language to correspond to the FWPCA and National Contingency Plan revisions that have occurred or been proposed since the regulations were last updated, to clarify the criteria for direct payment from the Pollution Fund, and to revise the FWPCA discharge reporting procedures to correspond with the CERCLA reporting requirements.

Discussion of Changes From Proposed Rule

Eight revisions were made to the proposed rule based on comments received during the public comment period. Each of these changes are discussed in more detail below.

1. The definition of "coastal waters" in § 153.103 has been modified to add a reference to the Exclusive Economic Zone and to indicate where the specified ports and harbors on inland rivers are identified.

2. The definition of "Chief, Office of Marine Environment and Systems" in § 153.103 has been modified to reflect changes in Coast Guard program responsibilities.

3. The definition of "navigable waters" in § 153.103 has been modified to make reference to the definition in paragraph 2.05-25(b) of this Chapter.

4. The list of definitions in § 153.103 have been reorganized into alphabetical order for ease of use.

5. The procedures for notice of discharge in § 153.203 have been modified as they relate to notifications to the nearest Coast Guard unit. The proposed rule authorized reporting to either the Coast Guard or EPA predesignated federal On-Scene Coordinator (OSC), or the nearest Coast Guard unit, if direct reporting to the National Response Center (NRC) was not practicable. Based on comments received, this has been revised in the final rule to allow reports to the nearest Coast Guard unit only when it is not possible to notify the NRC or OSC directly. Reporting parties would be required to subsequently notify the NRC of the discharge as soon as possible.

6. The list of addresses and telephone numbers for Coast Guard district and EPA regional offices in Table 1 of Subpart B has been modified to reflect address or telephone number changes in EPA Regions I, III, IV, V, VII, VIII, and IX and the First, Second, and Twelfth Coast Guard Districts.

7. The list of states and corresponding Coast Guard Districts in Table 2 of Subpart B has been revised to delete the reference to coastal contingency plans and to better define the inland areas of the Coast Guard Districts.

8. The procedures for requesting reimbursement for response actions under FWPCA sections 311(c) and 311(d) and the Intervention on the High Seas Act, previously separated into §§ 153.417 and 153.419, have been consolidated into § 153.417.

Discussion of Comments Received

Of the seven comments received, none objected to the revisions in the proposed rule, however, some comments recommended additional changes to the sections. The following is a discussion of the comments received.

1. Three comments were received concerning the definitions in 153.103. One comment requested that, for ease of use, the list of definitions be reorganized into alphabetical order. The Coast Guard agrees with this comment and has reorganized this section into alphabetical order for the Final Rule.

One comment requested that the definition of "coastal waters" in § 153.103(o) be revised to make specific reference to the 200-mile Exclusive Economic Zone. This comment was based on the portion of the definition covering discharges "... which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States. . ." On March 10, 1983, the President proclaimed that an ocean area extending up to 200 miles offshore would be covered within this zone, where the United States would exercise its sovereign rights over natural resources and certain other economic activities. Since this area should fall within the definition of "coastal waters," the definition has been modified.

The final comment requested that the definition of "such quantities as may be harmful" in § 153.103(n) be modified to establish a standard for reporting based on the volume of oil discharged and the location of the discharge. The Coast Guard does not agree with this comment. The reporting regulations in this section merely establish a mechanism for receiving reports of "such quantities as may be harmful" as established by the Administrator of the Environmental Protection Agency (EPA) in accordance with section 311(b)(4) of the FWPCA. Existing EPA regulations in 40 CFR Part 110 establish this quantity for the navigable waters of the United States and the contiguous zone as a discharge which violates applicable water quality standards in navigable

waters of the United States, causes a film or sheen or discoloration of the surface of the water or adjoining shorelines, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. A recent EPA Notice of Proposed Rulemaking concerning 40 CFR Part 110 (50 FR 9776 of March 11, 1985) proposed the extension of this "sheen test" to offshore waters outside the contiguous zone and solicited comments concerning the use of a volumetric test as an alternative. Until the EPA regulations are revised otherwise, the "sheen test" continues to be the quantity that requires reporting within the navigable waters and the contiguous zone.

In addition to the above changes, the definition of "Chief, Office of Marine Environment and Systems" in § 153.103(u) of the existing rule (§ 153.103(d) in Final Rule) has been modified to reflect revisions in Coast Guard program responsibilities, the definition of "coastal waters" in § 153.103(n) of the existing rule (§ 153.103(e) in Final Rule) has been modified to indicate that the specified ports and harbors on inland rivers where the Coast Guard acts as OSC are identified in the applicable Regional Contingency Plans, and the definition of "navigable waters" in § 153.103(w) of the existing rule (§ 153.103(k) in Final Rule) has been modified to reference the definition of this term in paragraph 2.05-25(b) of this Chapter.

2. Four comments were received concerning the reporting requirements in § 153.203. Three comments supported the reporting procedures proposed, but suggested additional revisions to reduced the spill investigation burden on the Coast Guard and industry, and one comment recommended that the provision for reporting a discharge to the nearest Coast Guard unit be deleted. A detailed discussion of these comments follows.

Two comments recommended that provisions be added to this section requiring the reporting of specific information about a discharge (size, possible shoreline impact, corrective action taken) and the recording of specific information concerning the discharge in the "Oil Record Book" that must be maintained by certain vessels as required by 33 CFR Part 151. The comments noted that these revisions would reduce the unnecessary costs incurred by government and industry in reporting and responding to many small and harmless spills. The comments further offered possible criteria that the Coast Guard could use for evaluating the need for investigating a reported

discharge. The comments stated that, once the required notification was made and evaluated by the Coast Guard, a vessel involved in a discharge could resume operations and cleanup operations could proceed without undue administrative delays. While the Coast Guard appreciates the concern expressed by these comments, we believe that no revisions to the reporting regulations are necessary to address these concerns. Regarding the requirement of reporting parties to provide specific information when the report is received by the NRC or OSC, reporting parties are already asked to provide various information, such as the size of the discharge, source, cause, cleanup activities underway, and other discharge-related information. The Coast Guard believes that there is no need to "require" specific information to be provided, since it is already collected voluntarily. Regarding the use of Oil Record Books for recording information on oil discharges, the existing regulation concerning use of Oil Record Books in 33 CFR 151.25(g) already requires that information on any emergency, accidental, or other exceptional discharge of oil or oily mixture be entered in the Oil Record Book. The Coast Guard believes that this would cover the situation addressed by the comments. Regarding the investigation policy, the Coast Guard feels that this comment is beyond the scope of this rulemaking. Coast Guard policies for investigating reported discharges exist independent of the specific reporting regulations. The present policy is that the Coast Guard will investigate all reported discharges, resources permitting. Regarding the delays in vessel oil transfers resulting from oil discharges, the oil transfer regulations in 33 CFR 156.125 already address procedures for continuing oil transfers after a discharge occurs. These regulations require that an oil transfer operation be stopped after an oil discharge occurs and not resumed until the discharged oil is cleaned up, is contained and being cleaned up, or the resumption is authorized by the Coast Guard Captain of the Port (COTP), who is usually the predesignated Federal On-Scene Coordinator (OSC) for the area. Thus, it would be inappropriate to allow for resumption of oil transfers based solely on the reporting of a discharge, whatever the size, until the criteria in § 156.125 are met. However, this does not preclude the reporting party from receiving permission from the COTP to resume an oil transfer if the initial report is made directly to the OSC, and permission is received to resume the

transfer before Coast Guard personnel can investigate the discharge.

One comment recommended that the Coast Guard delete the provision that allows reporting of discharges to the nearest Coast Guard unit. The comment expressed concern that reports would be made to Coast Guard units where personnel are not familiar with the reporting requirements and may not obtain sufficient information concerning the discharge, may not process the report properly, or may inadvertently present a hazard to Coast Guard personnel not trained to respond to such reports. The comment also expressed concern that reporting to the nearest unit would delay the relaying of the information to the federal OSC. While the Coast Guard appreciates these concerns, we do not agree that this provision should be completely deleted, however, revisions have been made that should address these concerns. Specifically, the reporting requirement has been revised to allow reporting to the nearest Coast Guard unit only when it is not possible to report directly to the NRC or the predesignated OSC for the geographic area where the discharge occurs. In such cases, immediate reports can be made directly to the nearest Coast Guard unit, however, the person in charge of the vessel or facility involved in the discharge must subsequently notify the NRC as soon as possible. This revision retains the provision for reporting to the nearest Coast Guard unit, limiting its use, however, to those situations where it is not possible to report to either the NRC or the OSC.

One of the purposes of revising the FWPCA reporting requirements is to ensure consistency with the reporting requirements under CERCLA. All hazardous substance discharges which are subject to the FWPCA section 311(b)(5) reporting requirements are also subject to the reporting requirements in CERCLA section 103(a). This overlap exists because the list of hazardous substances defined in CERCLA section 101(14) includes substances designated pursuant to FWPCA section 311(b)(2), and the definition of a hazardous substance release in CERCLA section 101(22) includes discharges to navigable waters and other areas covered by the FWPCA. It is highly desirable, both from the perspectives of efficiency and in minimizing regulatory burden, to allow a single report to meet the requirements of both statutes. CERCLA section 103(a) requires reports of all hazardous substances releases to be made to the NRC. With this in view, EPA's final rule for reporting CERCLA hazardous

substance releases in 40 CFR 302.6 states that such reports must be made to the NRC. However, in revising §§ 300.51 and 300.63 of the National Contingency Plan on November 20, 1985 (50 FR 47912), EPA authorized reports to the appropriate Coast Guard or EPA predesignated OSC where direct reporting to the NRC is not practicable, requiring that these reports be promptly relayed by the OSC to the NRC. This was to assure that even when hazardous substances discharges/releases are reported to the OSC, the statutorily required notice to the NRC will also be provided. In the case where it is not possible to notify the NRC or predesignated OSC immediately, EPA authorized reports to the nearest Coast Guard unit, but the reporting party must subsequently report to the NRC as soon as possible to meet the CERCLA reporting requirement. EPA intends to amend the rule implementing the CERCLA notification provisions to parallel the reporting procedure that is adopted in this rule and in the National Contingency Plan. Consequently, in cases where both CERCLA and the FWPCA apply, one report will meet the reporting requirements of both statutes.

Requiring persons that report to the nearest Coast Guard unit to subsequently notify the NRC should not impose any significant burdens on the reporting public. The Coast Guard believes that reports to the nearest Coast Guard unit would be limited to discharges involving vessels at sea or offshore platforms with no telephone access. These persons would normally report by radio to a Coast Guard station that maintains a radio watch. To ensure that the reporting requirement is met and, in the case of a hazardous substance discharge, to meet the CERCLA reporting requirement, persons who report under this provision must subsequently notify the NRC as soon as possible.

It is important to note that reports to locations other than the NRC are authorized only when direct reporting to the NRC is not practicable. Because the NRC maintains toll-free telephone numbers accessible from anywhere in the country, reporting to the predesignated OSC or the nearest Coast Guard unit should be very limited.

The final comment referred to reporting requirements of the Minerals Management Service (MMS), U.S. Department of the Interior, for certain oil discharges on the Outer Continental Shelf, and requested that providing notice to the NRC meet the MMS reporting requirements. The comment also indicated that they were

recommending this same change to MMS. The Coast Guard believes that this comment is beyond the scope of this rulemaking. The MMS reporting requirements are based on their authorities under the Outer Continental Shelf Lands Act and exist independent of any FWPCA reporting requirements. Thus it is inappropriate to address any MMS reporting requirement in this rulemaking.

3. One comment noted that the address and phone number listed in Table 1 for EPA Region VII was incorrect, and that there were typographical errors in Table 2. The final rule corrects this information, as well as the address for Regions III and VIII and the First, Second, and Twelfth Coast Guard Districts, and updates the telephone numbers for all offices. In addition, Table 2 has been updated to delete the footnote concerning coastal regional contingency plans and to better define the inland areas of the Coast Guard districts. This corresponds with revisions to the National Contingency Plan that combined the coastal and inland regional contingency plans into one plan covering an entire standard Federal Region.

4. One comment suggested that separate certification procedures for FWPCA sections 311(c) and 311(d) and Intervention on the High Seas Act response actions contained in §§ 153.417 and 153.419 were unnecessary and should be combined. The Coast Guard agrees with this comment. The Final Rule consolidates the certification information previously included separately in §§ 153.417 and 153.419 into § 153.417 and deletes § 153.419.

5. One comment, although not requesting any revisions, inquired about the procedures for States to be reimbursed for their Phase III oil removal actions or hazardous substance removal actions. While §§ 153.407 and 153.417 of this Part describe the methods for obtaining reimbursement, additional requirements must be met before States can be reimbursed. These requirements, located in the National Contingency Plan (40 CFR 300.58(f)(4)), include a determination by the Federal OSC that the responsible party is unknown or not conducting a proper removal. The OSC must also determine that State action is required to minimize or mitigate a significant threat to public health or welfare which the Federal Government cannot minimize or mitigate, or that a removal or partial removal can be carried out by the State at a cost which is less than or not significantly greater than the costs which would be incurred by the Federal Government. The Coast

Guard has developed a standard agreement for use by States desiring reimbursement from the Pollution Fund which details the various requirements and procedures to be followed. Interested States should contact the appropriate Coast Guard District Office listed in Table 1 to obtain further information concerning these agreements. It should be noted that, because of the availability of the CERCLA Trust Fund for hazardous substance removal activities, use of these agreements is presently limited to Phase III oil removal activities only.

Reporting and Recordkeeping Requirements

The requirement for reporting oil and hazardous substance discharges is an existing requirement. The final revisions affect only the procedures for making the required notifications. These revisions do not create any increase in the reporting or recordkeeping requirements. The existing information collection requirements have previously been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) and have been approved by OMB. The section number and corresponding OMB approval number is 33 CFR 153.203, OMB No. 2115-0137.

E.O. 12291 and DOT Regulatory Policies and Procedures

These final regulations are considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. The final rule will not establish any new reporting requirements, and only reflects statutory or regulatory changes that have occurred since the regulations were last revised or clarify existing policies or procedures.

Regulatory Flexibility Act

Since the impact of this final rule is expected to be minimal, the agency certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 153

Hazardous substances, Oil pollution.

For the reasons set out in the preamble, Part 153 of Subchapter O, Chapter I of Title 33 of the Code of Federal Regulations is amended to read as set forth below:

PART 153—[AMENDED]

1. The authority citation for Part 153 is revised to read as follows and all authority citations within the Part are removed:

Authority: 14 U.S.C. 633; 33 U.S.C. 1321(j)(1)(A) and (m); 42 U.S.C. 9615; secs. 2, 5, and 7, E.O. 11735 (38 FR 21243) as amended by E.O. 12418 (48 FR 20891); E.O. 12316 (46 FR 42237); 49 CFR 1.45(b) and 1.46 (l), (m), and (gg).

2. Section 153.101 is revised to read as follows:

§ 153.101 Purpose.

The purpose of this part is to prescribe regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substances as required by the Federal Water Pollution Control Act, as amended (FWPCA); the procedures for the removal of a discharge of oil; and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substances under the FWPCA.

3. Section 153.103 is revised to read as follows:

§ 153.103 Definitions.

As used in this part:

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

(b) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) "Chemical agents" means those elements, compounds, or mixtures that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water. The term "chemical agents" as used in this part includes dispersants, surface collecting agents, biological additives, burning agents, and sinking agents as defined in Subpart H of the National Contingency Plan.

(d) "Chief, Office of Marine Environment and Systems" means the Coast Guard Officer designated by the Commandant to assist and advise the Commandant on matters related to marine environmental response, port and environmental safety, and waterways management.

(e) "Coastal waters" means all U.S. waters subject to the tide, U.S. waters of the Great Lakes, specified ports and harbors on the inland rivers, waters of the contiguous zone, or other waters of the high seas subject to discharges in connection with activities under the

Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)). These waters include those contained within the Exclusive Economic Zone declared by Presidential Proclamation 5030 on March 10, 1983 (43 FR 10605).

Note: Coastal waters are those waters where the Coast Guard has the responsibility for providing On-Scene Coordinators under the National Contingency Plan. Specific dividing lines between coastal and inland waters, and the identification of specified ports and harbors on inland rivers, are contained in Regional Contingency Plans prepared pursuant to the National Contingency Plan.

(f) "Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, as published in the June 1, 1972 issue of the *Federal Register* (37 FR 11906).

(g) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes (A) discharges in compliance with a permit under Section 402 of the Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under Section 402 of the Act, and subject to a condition in such permit, and (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Act, which are caused by events occurring within the scope of relevant operating or treatment systems.

(h) "Hazardous substance" means any substance designated by the Administrator of the Environmental Protection Agency pursuant to section 311(b)(2) of the Act.

(i) "Inland waters" means all other waters of the U.S. not included in the definition of coastal waters.

Note: Inland waters are those waters where the Environmental Protection Agency has the responsibility for providing On-Scene Coordinators under the National Contingency Plan. Specific dividing lines between coastal and inland waters are contained in Regional Contingency Plans prepared pursuant to the National Contingency Plan.

(j) "Mechanical removal" means the use of pumps, skimmers, booms, earthmoving equipment, and other

mechanical devices to contain the discharge of oil and to recover the discharge from the water or adjoining shorelines.

(k) "Navigable waters" means the waters of the United States as defined in paragraph 2.05-25(b) of this Chapter.

(1) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

(m) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(n) "On-Scene Coordinator" or "OSC" is the Federal official predesignated by the Environmental Protection Agency (EPA) or Coast Guard to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) as published in 40 CFR Part 300.

(o) "Onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

(p) "Person" includes an individual, firm, corporation, association, and a partnership.

(q) "Pollution Fund" and "Fund" means the revolving fund established in the Treasury under the authority in section 311(k) of the Act to carry out the provisions of section 311 (c), (d), (i), and (l) of the Act.

(r) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(s) "Remove" or "Removal" refers to removal of oil or hazardous substances from the waters and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(t) "Sorbent" means materials essentially inert and insoluble used to remove oil from water through a variety of sorption mechanisms. Examples include straw, expanded perlite, polyurethane foam, reclaimed paper fibres, and peat moss.

(u) "Such quantities as may be harmful" means those quantities of oil and any hazardous substances determined in accordance with the provisions of section 311(b)(4) of the Act.

Note: Regulations that relate to such quantities as may be harmful of oil are published in 40 CFR Part 110. Regulations that relate to such quantities as may be harmful (reportable quantities) of hazardous substances are published in 40 CFR Part 117 and also listed in 40 CFR Part 302.

(v) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(w) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

4. In § 153.105, paragraph (d)(4) is revised to read as follows:

§ 153.105 Delegations.

* * * * *

(d) * * *

(4) Which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, including resources under Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

* * * * *

5. Section 153.203 is revised to read as follows:

§ 153.203 Procedure for the notice of discharge.

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as they have knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of section 311(b)(3) of the Act, immediately notify the National Response Center (NRC), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, toll free telephone number 800-424-8802 (in Washington, D.C. metropolitan area, 426-2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated OSC for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the predesignated OSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible.

Note: Geographical jurisdiction of Coast Guard and EPA OSC's are specified in the applicable Regional Contingency Plan. Regional Contingency Plans are available at Coast Guard District Offices and EPA Regional Offices as indicated in Table 2. Addresses and telephone numbers for these offices are listed in Table 1.

6. In § 153.305, paragraph (d) is revised to read as follows:

§ 153.305 Methods and procedures for the removal of discharged oil.

* * * * *

(d) Use chemical agents only in accordance with the provisions of Subpart H of the National Contingency Plan and with the prior approval of the Federal OSC; and

* * * * *

7. Table 1 of Subpart B is revised to read as follows:

TABLE 1.—ADDRESSES AND TELEPHONE NUMBERS OF COAST GUARD DISTRICT OFFICES AND EPA REGIONAL OFFICES

	Address	Telephone
EPA Regional Offices		
Region:		
I.....	John F. Kennedy Federal Bldg., Boston, MA 02203.	617-223-7265
II.....	26 Federal Plaza, New York, NY 10278.	201-548-8730
III.....	841 Chestnut Street, Philadelphia, PA 19107.	215-597-9698
IV.....	345 Courtland Street, NE, Atlanta, GA 30365.	404-347-4062
V.....	230 S. Dearborn Street, 13th Floor, Chicago, IL 60604.	312-353-2318
VI.....	First International Building, 1201 Elm Street, Dallas, TX 75270.	214-767-2666
VII.....	726 Minnesota Avenue, Kansas City, KS 66101.	913-236-3776
VIII.....	One Denver Place, 999 18th Street, Suite 1300, Denver, CO 80202-2413.	303-293-1788
IX.....	215 Fremont Street, San Francisco, CA 94105.	415-974-8131
X.....	1200 6th Avenue, Seattle, WA 98101.	206-442-1263
Coast Guard District Offices		
District:		
1st.....	408 Atlantic Ave., Boston, MA 02110-2209.	617-223-8444
2nd.....	1430 Olive St., St. Louis, MO 63103.	314-425-4655
3rd.....	Governors Island, New York, NY 10004-5098.	212-666-7152
5th.....	Federal Bldg., 431 Crawford St., Portsmouth, VA 23705-5004.	804-396-6638
7th.....	Federal Bldg., Room 1221, 51 S.W. 1st Ave., Miami, FL 33130.	305-350-5276
8th.....	Hale Boggs Federal Bldg., 500 Camp St., New Orleans, LA 70130-3396.	504-589-6296
9th.....	1240 East 9th St., Cleveland, OH 44199.	216-522-3919
11th.....	Union Bank Bldg., 400 Ocean-gate, Long Beach, CA 90822-5399.	213-590-2301
12th.....	Coast Guard Island, Alameda, CA 94501.	415-437-3465
13th.....	Federal Bldg., 915 Second Ave., Seattle, WA 98174.	206-442-5850
14th.....	Prince Kalanianaʻole Federal Bldg., 300 Ala Moana Blvd., 9th Floor, Honolulu, HI 96850.	808-546-7510
17th.....	P.O. Box 3-5000, Juneau, AK 99802.	907-586-7195

8. Table 2 of Subpart B is revised to read as follows:

TABLE 2.—STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS

States and EPA region	Coast Guard district
Region I:	
Maine.....	1st
New Hampshire.....	1st
Vermont:	
All except Northwestern portion.....	1st
Northwestern portion.....	3rd
Massachusetts.....	1st
Connecticut.....	3rd
Rhode Island.....	1st
Region II:	
New York:	
Coastal area and Eastern portion.....	3rd
Great Lakes area and other portions.....	9th
New Jersey.....	3rd
Puerto Rico.....	7th
Virgin Islands.....	7th
Region III:	
Pennsylvania:	
Eastern portion.....	3rd
Great Lakes area.....	9th
Southwestern portion.....	2nd
Maryland.....	5th
Delaware.....	3rd
West Virginia.....	2nd
Virginia.....	5th
District of Columbia.....	5th
Region IV:	
Kentucky.....	2nd
Tennessee.....	2nd
North Carolina.....	5th
South Carolina.....	7th
Georgia.....	7th
Florida:	
Atlantic and Gulf coasts.....	7th
Panhandle area.....	8th
Alabama:	
Southern.....	8th
Northern.....	2nd
Mississippi:	
Southern.....	8th
Northern.....	2nd
Region V:	
Minnesota:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Wisconsin:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Michigan:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Illinois:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Indiana:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Ohio:	
Great Lakes area.....	9th
Inland rivers area.....	2nd
Region VI:	
New Mexico.....	8th
Texas.....	8th
Oklahoma.....	2nd
Arkansas.....	2nd
Louisiana.....	8th
Region VII:	
Nebraska.....	2nd
Iowa.....	2nd
Kansas.....	2nd
Missouri.....	2nd
Region VIII:	
Montana.....	13th
Wyoming.....	2nd
Utah:	
Northern.....	12th
Southern.....	11th
Colorado.....	2nd
North Dakota.....	2nd
South Dakota.....	2nd
Region IX:	
California:	
Northern.....	12th
Southern.....	11th

TABLE 2.—STANDARD ADMINISTRATIVE REGIONS OF STATES AND CORRESPONDING COAST GUARD DISTRICTS AND EPA REGIONS—Continued

States and EPA region	Coast Guard district
Nevada:	
Northern.....	12th
Southern.....	11th
Arizona.....	11th
Hawaii.....	14th
Guam.....	14th
American Samoa.....	14th
Trust Territory of the Pacific Islands.....	14th
Northern Mariana Islands.....	14th
Region X:	
Washington.....	13th
Oregon.....	13th
Idaho.....	13th
Alaska.....	17th

9. in § 153.407, the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 153.407 Payments or reimbursements from the pollution fund.

(a) The following costs incurred during performance of a Phase III activity as defined in Subpart E of the National Contingency Plan, or a removal action as defined in Subpart F of the National Contingency Plan, are reimbursable to Federal and State agencies when authorized by the appropriate OSC under the authority of section 311(c) of the Act, and are reimbursable to Federal agencies when authorized by the appropriate Coast Guard or EPA official in the case of the summary removal or destruction of a vessel, other "intervention" (as defined in § 153.105(e) of this Part), or any other action under the authority of section 311(d) of the Act or the Intervention on the High Seas Act (33 U.S.C. 1471 et seq.):

(b) The District Commander may authorize the direct payment of the costs found to be reasonable under paragraph (a)(3) of this section. Direct payment may only be made to Federal or State agencies, or to Federal contractors or suppliers. Direct payments to State or local agency contractors or suppliers will not be authorized.

10. In § 153.415, the section heading and introductory paragraph are revised to read as follows:

§ 153.415 Cost summary reports.

As soon as practicable after completion of an action authorized under section 311 (c) or (d) of the Act or the Intervention on the High Seas Act, the OSC submits a cost summary report to the cognizant District Commander that includes:

11. Section 153.417 is revised to read as follows:

§ 153.417 Reimbursement for actions under section 311(c) or 311(d) of the Act or the Intervention on the High Seas Act.

(a) Each Federal or State agency requesting reimbursement for an action authorized under section 311(c) or 311(d) of the Act or under the Intervention on the High Seas Act must, within 60 days after completion of the action, submit to the cognizant District Commander, through the OSC for review and certification required in paragraph (b) of this section, lists accompanied by supporting accounting data, itemizing actual costs incurred.

(b) Requests for reimbursement submitted by Federal and State agencies are reviewed by the OSC to ensure that the costs for which reimbursement is being sought were authorized as Phase III removal actions for oil discharges, or removal actions as defined in Subpart F for hazardous substance discharges, and must have one of the following certifications by the OSC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as [(Phase III oil removal actions) or (hazardous substance removal actions)], and reasonable costs related thereto are proper for payment from the Pollution Fund.

(OSC signature)

(Incident title)

(Pollution incident project number)

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as [(Phase III oil removal actions) or (hazardous substance removal actions)], and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund:

(OSC Signature)

(Incident title)

(Pollution incident project number)

§ 153.419 [Removed]

12. Section 153.419 is removed.

Dated: May 12, 1985.

Peter J. Rots,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 86-11010 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

Safety Zone Regulations; Upper Chesapeake Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Upper Chesapeake Bay (COTP Baltimore, MD Regulation 86-04). This will be a moving zone centered around the S/S QUEEN ELIZABETH II during her transit to and from Baltimore, Maryland. The zone is needed to protect watercraft from a safety hazard associated with the passage of the S/S QUEEN ELIZABETH II into the Upper Chesapeake Bay. Entry into this zone is prohibited unless authorized by the Captain of the Port Baltimore, Maryland.

EFFECTIVE DATES: This regulation becomes effective 09 May 1986 at 10:00 AM. It terminates on 17 May 1986 at 3:30 PM unless sooner terminated by the Captain of the Port Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Commander D. M. Strasser, Chief Port Operations Department, USCG Marine Safety Office, Custom House, 40 South Gay Street, Baltimore, Maryland 21202-4022, (301) 962-5105.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days from the date of this publication. Publishing a NPRM and delaying the effective date of this safety zone would be contrary to the public interest since action is needed to safeguard watercraft and their occupants on the scheduled dates.

Drafting Information

The drafters of this regulation are CWO-2 D. L. HUTCHINSON, project officer for the Captain of the Port Baltimore, MD and LCDR F. E. COUPER, Project Attorney, Fifth Coast Guard District Legal Office (Baltimore Branch).

Discussion of Regulation

The event requiring this regulation will occur on 17 May 1986 and again on 17 May 1986. This safety zone is necessary to protect the boating public from the hazards associated with the passage of the S/S QUEEN ELIZABETH II through the Upper Chesapeake Bay

and in and out of the Port of Baltimore, Maryland. This action will help prevent damage to watercraft and their occupants.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.49 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new section 165.T0504 is added to read as follows:

§ 165.T0504 Safety Zone: Upper Chesapeake Bay, Baltimore, Maryland.

(a) *Location.* The following area is a safety zone: A 200 yard radius moving zone around the S/S QUEEN ELIZABETH II, while in transit of the Upper Chesapeake Bay, North of a line between Thomas Point to the mouth of Price Creek to Dundalk Marine Terminal Baltimore, Maryland and the return trip South through the Upper Chesapeake Bay from Dundalk Marine Terminal to a line from Thomas Point to the mouth of Price Creek.

(b) *Regulations.* (1) In accordance with the general regulation in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Baltimore, MD.

Dated: April 30, 1986.

R.C. Pickup,

Captain, U.S. Coast Guard, Captain of the Port Baltimore, Maryland.

[FR Doc. 86-11012 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

Security Zone Regulations; Upper Chesapeake Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a security zone in the Baltimore Harbor, Dundalk Marine Terminal, Baltimore, Maryland. The zone is needed to protect the S/S QUEEN ELIZABETH II and her passengers from a security threat associated with the port call of the S/S QUEEN ELIZABETH II at Baltimore, Maryland. Entry into this zone is

prohibited unless authorized by the Captain of the Port Baltimore, Maryland.

EFFECTIVE DATES: This regulation becomes effective on 09 May 1986 at 2:00 PM. It terminates on 17 May 1986 at 11:30 AM unless sooner terminated by the Captain of the Port Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Commander D. M. STRASSER, Chief Port Operations Department, USCG Marine Safety Office, Custom House, 40 South Gay Street, Baltimore, Maryland 21202-4022, (301) 962-5105.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days from the date of this publication. Publishing a NPRM and delaying the effective date of this security zone would be contrary to the public interest since action is needed to safeguard the S/S QUEEN ELIZABETH II and her passengers on the scheduled dates.

Drafting Information

The drafters of this regulation are CWO-2 D. L. HUTCHINSON, project officer for the Captain of the Port Baltimore, MD and LCDR F. E. COUPER, Project Attorney, Fifth Coast Guard District Legal Office (Baltimore Branch).

Discussion of Regulation

The event requiring this regulation will occur on 09 May 1986 and again on 17 May 1986. This security zone is necessary to protect the S/S QUEEN ELIZABETH II and her passengers while moored at Dundalk Marine Terminal, Baltimore, Maryland. This action will minimize the hazards to the S/S QUEEN ELIZABETH II and her passengers from possible damage from any person or persons.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.49 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T0505 is added to read as follows:

§ 165.T0505 Security Zone: Baltimore, Maryland.

(a) *Location.* The following area is a security zone: A 500 yard perimeter upon the waters surrounding the vessel S/S QUEEN ELIZABETH II while moored at Dundalk Marine Terminal, Berth 5.

(b) *Regulations.* (1) In accordance with the general regulation in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Baltimore, MD.

Dated: April 30, 1986.

R. C. Pickup,

Captain, U.S. Coast Guard, Captain of the Port Baltimore, Maryland.

[FR Doc. 86-11013 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE**39 CFR Part 10****International Surface Air Lift Service to Panama and Certain Far Eastern Countries**

AGENCY: Postal Service.

ACTION: Final action on International Surface Air Lift Service to Panama and Certain Far Eastern countries.

SUMMARY: Pursuant to agreements with the postal administrations of Panama and certain Far Eastern countries, the Postal Service intends to begin International Surface Air Lift Service to those countries at postage rates indicated in the tables below. Service is scheduled to begin on June 15, 1986.

EFFECTIVE DATE: June 15, 1986.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlman, [202] 268-2673.

SUPPLEMENTARY INFORMATION: By a notice published in the *Federal Register* on April 10, 1986 [51 FR 12343], the Postal Service announced that it was proposing to begin International Surface Air Lift Service to Panama and certain Far Eastern countries. Comments were invited on published rate tables, which are proposed amendments to the International Mail Manual (incorporated by reference in the Code of Federal Regulations, 39 CFR 10.1), and which are to become effective on the date service begins. No comments were received. Accordingly, the Postal Service states that it intends to begin International Surface Air Lift Service to Panama and certain Far Eastern countries on June 15, 1986 at the rates indicated in the table below.

Lists of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

Part 10—[AMENDED]

The authority citation for Part 10 continues to read as follows:

Authority: 5 U.S.C. 552[a], 39 U.S.C. 401, 404, 407, 408.

International Surface Air Lift

(See following list for AMF and country groups)

Origin AMF group	Rate group A	Rate group B	Rate group C	Rate group D	Rate group E
a. Pound Rate *					
(1) Regular Service:					
East	\$1.95	\$2.22	\$2.55	\$2.66	\$3.40
Central	1.70	2.47	N/A	2.57	3.22
West	1.99	2.53	2.99	2.33	3.13
(2) Regular Service M-Bag:					
East	1.76	2.00	2.30	2.39	3.06
Central	1.53	2.22	N/A	2.31	2.90
West	1.79	2.28	2.69	2.10	2.82
(3) Transit Service Regular:					
East	N/A	2.41	N/A	N/A	3.60
Central	2.02	2.64	2.40	N/A	3.42
West	N/A	2.82	N/A	N/A	3.30
(4) Transit Service M-Bag:					
East	N/A	2.17	N/A	N/A	3.24
Central	1.82	2.38	2.16	N/A	3.08
West	N/A	2.54	N/A	N/A	2.97

*Contact your local postmaster or customer services representative for possible discount rates based on type of mail matter and weight of mailing.

International Surface Air Lift Service Rate Groups**Origin AMF's:¹**

East
Boston Philadelphia
New York City Washington, DC

Central
Chicago Houston
Dallas Miami

West
Los Angeles San Francisco

Destination Countries for Regular and/or Transit Service:

Rate Groups	
A	B
Belize	Albania
Colombia	Austria
Costa Rica	Belgium
Cuba	Bulgaria
Dominican Republic	Czechoslovakia
Ecuador	Denmark
El Salvador	East Germany
Guatemala	Finland
Haiti	France
Honduras	Great Britain
Jamaica	Greece
Mexico	Hungary
Netherlands	Iceland
	Ireland

¹ All AMF's do not service all destination countries. Contact your local postmaster or customer services representative for list of AMF's and the destination countries served by particular AMF's.

Antilles
Nicaragua
Panama
Trinidad and Tobago
Venezuela

Italy
Luxembourg
Netherlands
Norway
Poland
Portugal
Rumania
Spain
Sweden
Switzerland
West Germany
Yugoslavia

C
Argentina
Bolivia
Brazil
Chile
French Guyana
Guyana
Paraguay
Peru
Suriname
Uruguay

E
Australia
China, Peoples Republic *
Fiji Islands
Malaysia *

* New destination countries.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the *Federal Register* as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 86-11095 Filed 5-15-86; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1 and 21**

[Gen. Docket No. 80-112; FCC 86-225]

Common Carrier Services; Instructional Television Fixed Service, the Multipoint Distribution Service and the Private Operational Fixed Microwave Service; Amendment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action changes the cut-off date for the submission of settlement agreements, pertaining to MMDS, from two (2) business days prior to the date of the lottery to ten (10) business days prior to the lottery. The increase in time is required to ensure that all of the administrative details involved in including new settlement entities in the lottery system can be accomplished. This action will ensure that all new settlement entities that submit their settlement agreement at least ten (10)

days prior to a designated lottery will be included in that lottery.

EFFECTIVE DATE: May 16, 1986.

FOR FURTHER INFORMATION CONTACT: Donald L. McClure, Common Carrier Bureau, (202) 634-1774.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order Gen. Docket No. 80-112, Adopted: April 30, 1986; and Released: May 8, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Order

This Order changes the cut-off date for the submission of settlement agreements, pertaining to MMDs, from two (2) business days to the date of the lottery to ten (10) business days prior to the lottery.

Ordering Clauses

Accordingly, it is ordered, That under the authority contained in Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), para. 31 in *Second Report and Order*, Gen. Docket No. 80-112 (February 13, 1985, 50 FR 5983) is amended as hereinbefore described.

William J. Tricarico,

Secretary.

[FR Doc. 86-10962 Filed 5-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 18

[GEN Docket 20718; FCC 86-205]

Radiation Limits Below 30 MHz for RF Lighting Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this Memorandum Opinion and Order, the Commission affirms its decision in the Third Report and Order in this proceeding with regard to the technical standards for radio frequency (RF) lighting devices. This action is being taken in response to a petition for partial reconsideration filed by the National Association of Broadcasters. The Commission also amends §§ 18.213, 18.305 and 18.309 of its Rules to provide additional information to the public.

EFFECTIVE DATE: June 9, 1986.

FOR FURTHER INFORMATION CONTACT: Liliane Volcy, Office of Engineering and Technology, tel: (202) 653-7316.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, GEN Docket 20718, adopted April 18, 1986, and released May 8, 1986.

The full text of Commission decisions is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW, Suite 140, Washington, DC 20037.

Summary of Memorandum Opinion and Order

1. The Commission denies the petition for partial reconsideration filed by the National Association of Broadcasters ("NAB") with regard to the technical standards adopted for RF lighting devices in the Third Report and Order in this proceeding, 50 FR 36061 (1985). Although the Commission finds inadequate justification for adopting the particular radiation limit requested by NAB (25 μ V/m at 10 meters below 30 MHz), it agrees with NAB that, in view of the expected proliferation and long life-expectancy of RF lighting devices, the lack of a radiation limit below 30 MHz may increase the interference potential of such products to authorized radio services. Therefore, in an associated Notice of Proposed Rule Making in GEN Docket 83-806, the Commission proposes to impose radiation limits at frequencies below 30 MHz on the operation of RF lighting devices. These limits are based on current standards applied to other equipment regulated by the Commission and operating in the same frequency range and on the fact that there has been little or no reported interference from such devices. The subject

Memorandum Opinion and Order also amends §§ 18.213, 18.305 and 18.309 of the Rules to provide additional information to the public.

Ordering Clauses

2. Accordingly, it is ordered, That the Petition for Partial Reconsideration filed by the National Association of Broadcasters is denied. It is also ordered, That Part 18 of the Rules is amended as shown below, effective June 9, 1986.

List of Subjects in 47 CFR Part 18

Business and industry, Household appliances.

William J. Tricarico,
Secretary.

Part 18 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

1. The authority citation for Part 18 continues to read as follows:

Authority: Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended; Sec. 303, 82 Stat. 290; 47 U.S.C. 154, 302, 303, 307.

2. The introductory paragraph of § 18.213 is revised to read as follows:

§ 18.213 Information to the user.

Information on the following matters shall be provided to the user in the instruction manual or on the packaging if an instruction manual is not provided for any type of ISM equipment:

3. Section 18.305 is amended by revising paragraph (b) and notes 1 and 2 to the section to read as follows:

§ 18.305 Field strength limits.

(b) The field strength levels of emissions which lie outside the bands specified in § 18.301, unless otherwise indicated, shall not exceed the following:

Equipment	Operating frequency	RF Power generated by equipment (watts)	Field strength limit (uV/m)	Distance (meters)
Any type unless otherwise specified (miscellaneous).	Any ISM frequency.....	Below 500.....	25.....	300
		500 or more.....	25 $\sqrt{\text{power}/500}$	300
	Any non-ISM frequency.....	Below 500.....	15.....	300
		500 or more.....	15 $\sqrt{\text{power}/500}$	300
Industrial heaters and RF stabilized arc welders.	On or below 5,725 MHz.....	Any.....	10.....	1,600
	Above 5,725 MHz.....	Any.....	(?).....	(?)
Medical diathermy.....	Any ISM frequency.....	Any.....	25.....	300
	Any non-ISM frequency.....	Any.....	15.....	300
Ultrasonic.....	Below 490 kHz.....	Below 500.....	2,400/F(kHz).....	300
		500 or more.....	2,400/F(kHz) $\sqrt{\text{power}/500}$	300
	490 to 1,600 kHz.....	Any.....	24,000/F(kHz).....	30
	Above 1,600 kHz.....	Any.....	15.....	30
Induction cooking ranges.....	Below 90 kHz.....	Any.....	1,500.....	430

Equipment	Operating frequency	RF Power generated by equipment (watts)	Field strength limit (μV/m)	Distance (meters)
	On or above 90 kHz	Any	300	*30

* Field strength may not exceed 10 μV/m at 1600 meters. Consumer equipment operating below 1000 MHz is not permitted the increase in field strength otherwise permitted here for power over 500 watts.

* Reduced to the greatest extent possible.

* Field strength may not exceed 10 μV/m at 1600 meters. Consumer equipment is not permitted the increase in field strength otherwise permitted here for power over 500 watts.

* Induction cooking ranges manufactured prior to February 1, 1980, shall be subject to the field strength limits for miscellaneous ISM equipment.

Notes

1. The tighter limit shall apply at the boundary between two frequency ranges.
2. Testing for compliance with these limits may be made at closer distances, provided a sufficient number of measurements are taken to plot the radiation pattern, to determine the major lobes of radiation, and to determine the expected field strength level at 30, 300, or

1600 meters. Alternatively, if measurements are made at only one closer fixed distance, then the permissible field strength limits shall be adjusted using 1/d as an attenuation factor.

3. In § 18.309, paragraph (a) is revised to read as follows:

§ 18.309 Frequency range of measurements.

(a) For field strength measurements:

Frequency band in which device operates (MHz)	Range of frequency measurements	
	Lowest frequency	Highest frequency
Below 1.705	Lowest frequency generated in the device, but not lower than 9 kHz.	30 MHz.
1.705 to 30	Lowest frequency generated in the device, but not lower than 9 kHz.	400 MHz.
30 to 500	Lowest frequency generated in the device or 25 MHz, whichever is lower.	Tenth harmonic or 1,000 MHz, whichever is higher.
500 to 1,000	Lowest frequency generated in the device or 100 MHz, whichever is lower.	Tenth harmonic.
Above 1,000	do	Tenth harmonic or highest detectable emission.

[FR Doc. 86-10960 Filed 5-15-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Scaevola coriacea* (Dwarf Naupaka)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines *Scaevola coriacea* (dwarf naupaka) to be an endangered species, under the authority contained in the Endangered Species Act of 1973, as amended (Act). Populations, once prevalent throughout the major Hawaiian islands, are now limited to four small areas of State and private land in Maui County, Hawaii. The only significant population, near Waiehu Point, is threatened by residential development. Approximately two-thirds

of the plant's remaining habitat will be impacted by this development. Protective measures for the remaining plants are needed. This determination that *Scaevola coriacea* is an endangered species implements the protection provided by the Act.

EFFECTIVE DATE: The effective date of this rule is June 16, 1986.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

Scaevola coriacea is a sparsely branched, prostrate shrub found in close proximity to the ocean. It was first collected by David Nelson in 1779, and later described by Thomas Nuttall (1843), based on specimens collected on "Atooi" (Kauai) in 1835. Its leaves are thick and succulent, light green, and

about 2.5 centimeters (1 inch) in length. Cream-colored flowers, 1.9 centimeters (0.75 inch) long, may open at any time during the year. The flower is typical of the genus *Scaevola*, with a corolla split down the upper side so that it resembles half of a radially symmetrical flower that has been divided longitudinally. This is sometimes referred to as a "half-flower." The fruit is purplish black and approximately 1.3 centimeters (0.5 inch) in length, and contains 2 seed cells (Carr 1981). Single plants may cover up to 10 square meters (108 square feet) of surface area.

Sites occupied by *Scaevola coriacea* are mostly on low, consolidated sand dunes near the ocean. The habitat is relatively dry and hot. The sites receive high insolation and most of the vegetation is at or near ground level. Associated species include *Scaevola taccada* (a common, shrubby member of the same genus), *Bidens mauiensis*, *Nama sandwicensis*, *Boerhavia diffusa*, and *Lipochoeta integrifolia* (Herbst 1972).

Historically, populations of *Scaevola coriacea* were present on all the major Hawaiian islands, with Maui supporting the most extensive populations. Presently, only four small populations remain in Maui County, Hawaii: at Waiehu Point, West Maui; at Kaupo, East Maui; on the islet of Moke'ehia, off West Maui; and on the islet of Mokuho'oniki, east of Molokai. The islets are part of the Hawaiian State Seabird Sanctuary and are under the jurisdiction of the State Department of Land and Natural Resources. The Waiehu Point population is split between land in State and private ownership. The State-owned land is under the jurisdiction of the County of Maui. The Kaupo population is entirely on private land. Loss of current and suitable habitat to development represents the major threat to the species. Protection of the remaining habitat from degradation, through a cooperative State, Federal, and county effort, is needed to ensure the species' continued existence.

Section 12 of the Endangered Species Act of 1973 (Act) directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report (House Document No. 94-51) was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice of review in the **Federal Register** (40 FR 27823) accepting this report as a petition within the context of section 4(c)(2) of the Act (petition acceptance is now governed by section 4(b)(3) of the Act, as amended).

On June 16, 1976, the Service published a proposed rule in the *Federal Register* (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to section 4 of the Act. *Scaevola coriacea* was included in the Smithsonian report, the notice of review of July 1, 1975, and the proposal of June 16, 1976.

The Endangered Species Act, as amended in 1978, required that all proposals over 2 years old be withdrawn, except that a 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of withdrawal of the portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired (44 FR 70796). In the *Federal Register* of December 15, 1980 (45 FR 82480), the Service published a revised notice of review. *Scaevola coriacea* was included in this notice as a category-1 species, indicating that existing data warranted proposal to list as endangered or threatened.

The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982, be treated as having been newly submitted on that date. *Scaevola coriacea* was subject to this provision, so that a finding was required within one year as to whether its listing was warranted. On October 13, 1983, and again on October 12, 1984, the petition finding was made that listing *Scaevola coriacea* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. A proposal was published on July 16, 1985 (50 FR 28878), based on information available in 1976 and information gathered after that time and summarized in a detailed status report prepared under contract by a University of Hawaii botanist (Carr 1982). The Service now determines *Scaevola coriacea* to be an endangered species with the publication of this final rule.

Summary of Comments and Recommendations

In the July 16, 1985, proposed rule (50 FR 28878) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice that invited general public comment was published in the *Maui News* on August 18, 1985, and in the *Honolulu Star Bulletin* and the *Honolulu Advertiser* on August 21, 1985.

Seven letters of comment were received and are discussed below. A public hearing was requested and held in Kahului, Maui, Hawaii on November 5, 1985. The comment period was reopened following the public hearing, closing again December 9, 1985 (50 FR 42196). Three persons testified; their testimony also is included in the following summary.

Comments were received from a U.S. Congressman, the Governor of the State of Hawaii, the Western Regional Office of the National Audubon Society, a Professor of Botany at the University of Hawaii, a landowner on whose property a part of one population of the *Scaevola* grows, and two other individuals. Testimony at the public hearing was presented by the Administrator of the Division of Forestry and Wildlife of the State Department of Land and Natural Resources, a member representing the Friends of Maui Botanical Gardens, and a private individual. All comments submitted and all testimony given at the public hearing have been considered in formulating this final rule.

Six of the seven letters of comment and all testimony at the public hearing supported listing *Scaevola coriacea* as an endangered species. In his letter of comment, the president of the company that owns several of the sand dunes at Waiehu disagreed with the Service's census of the species. He visited two of the dunes and counted over 1,000 plants on one dune in 1984 and found more than 300 on the other in 1985. The proposed rule stated that the entire known population at Waiehu consisted of approximately 300 individuals. Admittedly it is very difficult to count or to estimate population sizes because of the prostrate, creeping habit of the species. However, many botanists and interested naturalists have visited these dunes and made estimates of the population size; at least four individuals have done so between 1981 and 1985. Their estimates are fairly close and all approximate 300 plants. The company's president recommends that public lands be used to create a protected habitat for the species. Additional information was submitted in this and several of the other letters and has been incorporated into the final rule.

The University professor indicated reservations concerning the Service's failure to propose designation of critical habitat. The Service continues to believe that such designation would not be prudent in this case because of the associated risks of vandalism and collecting.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Scaevola coriacea* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Scaevola coriacea* Nutt. (dwarf naupaka) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Historically, *Scaevola coriacea* was present on all the major Hawaiian islands, with Maui supporting the largest populations. Presently, the species exists in only four small areas of Maui County, Hawaii: Waiehu Point, West Maui; Kaupo, East Maui; the islets of Moke'ehia off West Maui, and Mokuho'oniki, east of Molokai. The entire known population consists of approximately 350 individuals, 300 of which are found at Waiehu Point (Carr 1981). The Waiehu population may now be smaller as a result of recent urban development in that area.

The Waiehu Point population occurs on four sand dunes, both on State land, as part of Waiehu Golf Course, and on private land, owned by a realty company. The latter is presently being developed into residential lots. This action will cause loss of nearly two-thirds of the species' remaining habitat. Habitat degradation of the remaining fraction of public land by the activity of golfers off the fairway is a potential, but probably minimal, threat to the plant.

Scaevola coriacea can not compete with aggressive weedy species. Koa haole (*Leucaena leucocephala*) and other plants appear to be encroaching on some of the Waiehu habitat.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* *Scaevola coriacea* is subject to potential collecting and vandalism due to the accessibility of its habitat and current unprotected status. The flowering plant is attractive, is easily propagated, and has been noted as being "... a worthwhile plant for homes by the beach" (Degener and Greenwell 1950).

C. *Disease or Predation.* No such threats to *Scaevola coriacea* are known to occur at this time.

D. *The inadequacy of existing regulatory mechanisms.* A special permit is required to land on Mokuho' oniki islet, a State bird sanctuary. No other protection is now provided to *Scaevola coriacea*.

E. *Other natural or manmade factors affecting its continued existence.* Further reductions of the breeding population may have adverse effects on the reproductive capacity and survival ability of this species (Carr 1981).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Scaevola coriacea* as endangered. The low number of individuals in the wild and the current loss of two-thirds of its remaining habitat warrant this decision. Critical habitat is not being designated at this time because of the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. As discussed under Factor "B" in the "Summary of Factors Affecting the Species," *Scaevola coriacea* is potentially subject to collecting, an activity difficult to control and not regulated by the Endangered Species Act with respect to plants, except for a prohibition against removal and reduction to possession of endangered plants from lands under Federal jurisdiction. The plant currently occurs on State and private land outside Federal jurisdiction. Because publication of critical habitat descriptions would make this species more vulnerable to collecting and vandalism, without providing it with appreciable protection because of the lack of Federal involvement in the areas in which it occurs, there would be no net benefit to this species from such a designation.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition

through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individual. Section 6 of the Act details conditions for cooperative action between the Service and State agencies. Such actions include the establishment of conservation programs, acquisition of land, scientific research, and cooperative funding. The State of Hawaii has entered into a cooperative agreement with the Service. Since much of the remaining habitat of *Scaevola coriacea* occurs on State land, some of which is under county jurisdiction, cooperation among Federal, State, and county officials will be necessary to ensure the continued survival of the species. The protection required of Federal agencies and the prohibitions against collecting are discussed, in part, below:

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No Federal activities are known or expected to affect *Scaevola coriacea*.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export an endangered species of plant, transport it in interstate or foreign commerce in the course of a commercial activity, sell it or offer it for sale in interstate or foreign commerce, or remove it and reduce it to possession from areas under Federal jurisdiction. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain

circumstances. Cultivated specimens of *Scaevola coriacea* can be found at several sites in Hawaii, including the Maui Zoo and Botanical Garden and the courtyard of the Plant Science Building at the University of Hawaii. However, it is anticipated that few trade permits will ever be sought or issued since the species is not otherwise common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

- Carr, G.D. 1981. Unpublished status survey of *Scaevola coriacea*. U.S. Fish and Wildlife Service, Honolulu, Hawaii. 40 pp.
- Degener, O., and A. Greenwell. 1950. Flora Hawaiiensis, family 340. *Scaevola coriacea*. Publ. priv. 2pp.
- Herbst, D.R. 1972. Botanical survey of the Waiehu sand dunes. The Bulletin, Pacific Tropical Botanical Garden 2:6-7
- Nuttall, T. 1843. Descriptions and notices of new or rare plants. Transactions of the American Philosophical Society, N.S. 8:251-272.

Author

The primary author of this final rule is Dr. Derral R. Herbst, Office of Environmental Services, U.S. Fish and Wildlife Service, 300 Ala Moana Blvd., P.O. Box 50167, Honolulu, Hawaii 96850 (808/546-7530 or FTS 546-7530).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat.

3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.12(h) by adding the following, in alphabetical order under

the family Goodeniaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Goodeniaceae—Goodenia family:						
<i>Scaevola coriacea</i>	Dwarf naupaka	U.S.A. (HI)	E	231	NA	NA

Dated: April 24, 1986.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-11107 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Endangered Status for *Chrysopsis floridana* (Florida Golden Aster)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines a plant in the family Asteraceae (asters), *Chrysopsis floridana* (Florida golden aster), to be an endangered species pursuant to the Endangered Species Act of 1973 (Act), as amended. Critical habitat is not being designated. This plant is endemic to small areas of ancient dunes in Hillsborough, Manatee, and Pinellas Counties, Florida. All known colonies of the plant are on private property. *Chrysopsis floridana* is endangered by residential and commercial development of its habitat, and also by mowing, intense grazing, and heavy use of off-road vehicles. This action will implement Federal protection and recovery provisions afforded by the Act for this plant.

DATES: The effective date of this rule is June 16, 1986.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Endangered Species Station Office, 2747 Art Museum Drive, Jacksonville, Florida 32207.

FOR FURTHER INFORMATION CONTACT: David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

Chrysopsis floridana was described by John K. Small in 1903 from specimens collected by S. M. Tracy at Bradenton, Manatee County, Florida, in 1901. Small subsequently collected the species at Long Key, Pinellas County, in 1921 (where it has since been extirpated), and in southern Hillsborough County in 1924. The species was not collected again until 1953. Since 1961, a number of collections have been made in southern Hillsborough County near Riverview and Ruskin. Specimens were collected west of Bradenton, Manatee County, in 1964, and in 1982 (Andre Clewell, pers. comm.) (this population was incorrectly described in the proposal as being east of Bradenton and extirpated). A population was discovered near Seminole, Pinellas County, in 1983 (R. Wunderlin and A. Burdett, pers. comm.). *Chrysopsis floridana* was included in a list of the plants of a State park in Highlands County, Florida but this report is not supported by a specimen and is almost certainly incorrect. All the known populations are on private land.

Several alternative taxonomic treatments have been proposed for *Chrysopsis floridana* and associated species. Fernald (1937) made *Chrysopsis floridana* a variety of *C. mariana*. Shinnars (1951) merged the entire genus *Chrysopsis* into *Heterotheca*; Harms, in several publications, supported Shinnars' view, and formally published the name *Heterotheca mariana* subspecies *floridana*. Long (1970), preferring to recognize this plant as a species, published the name *Heterotheca floridana*. In the 1970's Semple began an extensive program of taxonomic research on golden asters that resulted in the reinstatement of *Chrysopsis* as a genus. A floristic treatment of the aster family in the southeastern United States by Cronquist (1980) included *Chrysopsis floridana* in *C. scabrella*, while noting that "work in progress by John C. Semple may necessitate the revival of some names here reduced to synonymy." Semple's

(1981) revision of the genus *Chrysopsis* recognized *C. floridana* as a full species.

Chrysopsis floridana is a perennial herb of the aster family. Young plants form rosettes with leaves that are covered with dense, white, short-wooly hairs. Upright stems that grow from the rosettes are 0.3-0.4 meters (1-1.5 feet) tall or taller, with closely-spaced, obovate-elliptic, hairy leaves. The leaves are nearly as large at the top of the stem as at the bottom. The flower heads are arranged in a more or less flat-topped cluster. Each head is slightly over 2.5 centimeters (1 inch) in diameter. Both the central disc and the rays are yellow. The plants grow in open, sunny areas in sand pine-evergreen oak scrub vegetation, on well-drained fine white sand. In the past, the plant also grew on beach dunes. The plant has been extirpated from much of its former range by urban development. The two largest remaining sites are in residential subdivisions where streets and utilities already exist, and where many houses have been built. Other threats are intense cattle grazing, railroad maintenance, and heavy off-road vehicle use (Wunderlin *et al.*, 1981).

Chrysopsis floridana was recognized as an endangered species by the Florida Committee on Rare and Endangered Plants and Animals in its 1979 publication on plants (Ward, 1979). In response to this project, the Service contracted for a status survey on this species by botanists from the University of South Florida. A preliminary status report was submitted in 1980 and a final report in 1981 (Wunderlin *et al.*, 1981).

Chrysopsis floridana was included as a category-1 species in a revised list of plants under review for threatened or endangered classification published in the December 15, 1980, *Federal Register* (45 FR 82480). Category 1 comprises taxa for which the Service presently has sufficient biological information to support their being proposed to be listed as endangered or threatened species.

The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982,

be treated as having been newly submitted on that date. The species listed in the December 15, 1980, notice of review were considered to be petitioned, and the deadline for a finding on those species, including *Chrysopsis floridana* was October 13, 1983. On October 13, 1983, and again on October 13, 1984, the petition finding was made that listing *Chrysopsis floridana* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. Such a finding requires a recycling of the petition, pursuant to section 4(b)(3)(C)(i) of the Act. On August 5, 1985, the Service published a proposed rule in the Federal Register (50 FR 31629), to list *Chrysopsis floridana* as an endangered species, constituting the next required one year finding.

Summary of Comments and Recommendations

In the August 5, 1985, proposed rule (50 FR 31629) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the *Tampa Tribune* on August 23, 1985, which invited general public comment. Eight written comments were received and are discussed below.

One State agency, The Florida Natural Areas Inventory; the Pinellas County Board of County Commissioners; two garden clubs; and two garden circles supported listing. A Florida botanist did not oppose the proposal to list *Chrysopsis floridana*, but questioned the prudence of listing this weedy looking plant, an action that might provoke residential developers. He said that he would rather see other species listed first, and also suggested that recovery action could be conducted without listing. The Service responds that the Act requires listing of species to be based on the best biological and commercial data available. The Service is proceeding to list *Chrysopsis floridana*, because an excellent new taxonomic revision of the genus was available, together with up to date information on its status, and its listing priority number (see listing priority guidelines, 48 FR 43098) is higher than other candidate plants which are awaiting listing. Recovery actions are organized by the Service after a species is listed as endangered or threatened.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Chrysopsis floridana* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Chrysopsis floridana* Small (Florida golden aster) [synonyms: *Chrysopsis mariana* (L.) Ell. var. *floridana* (Small) Fern., *Heterotheca mariana* subsp. *floridana* (Small) Harms, and *Heterotheca floridana* (Small) Long] are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The historical range of the Florida golden aster is uncertain because new specimens were ever collected. The plant has been extirpated from most of the sites where it was collected prior to the 1970's, including Long Key (St. Petersburg Beach) and Bradenton Beach. A population reported from Manatee County in 1982 was in a "remnant sand pine scrub patch in an area that was rapidly becoming residential west of Bradenton" (Clewett, pers. comm., 1985). The Seminole area, in Pinellas County, is urban, with little or no possible habitat left for the golden aster. The five existing populations in southern Hillsborough County are all on well-drained sand soil with sand pine-evergreen oak scrub vegetation. The two largest populations are in residential subdivisions. The Florida golden aster is restricted to vacant lots, where it occupies areas of bare sand at the edges of remnants of scrub vegetation. Other populations are in scrub vegetation grazed by cattle, on an abandoned railroad embankment, and in a recently burned sand pine scrub area. At least 16 tracts of scrub vegetation near the existing populations lack *Chrysopsis floridana* (Wunderlin et al., 1981). *Chrysopsis floridana* requires bare sand. Consequently, the plant benefits from limited disturbance (which can include fire, limited land clearing, grazing, and off-road vehicles), but may be destroyed by more intense, frequent, or extensive disturbance. Such disturbance, including dumping and intense off-road vehicle use, threatens the Florida golden aster. The plant does

not tolerate mowing. The main threat to this plant is the loss of its habitat to residential construction as the urbanization of southern Hillsborough County progresses. The recent completion of Interstate Highway 75 from Tampa to Bradenton ensures rapid growth (Wunderlin et al., 1981).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* All populations of *Chrysopsis floridana* occur in areas that are easily accessible and near population centers. *Chrysopsis floridana* has been suggested for cultivation for planting on barrier island dunes. If such a demand develops, care will have to be taken to ensure that material is obtained from only cultivated sources (not from wild populations).

C. *Disease or predation.* Two populations found in pastures are subject to grazing by cattle. Light grazing may be beneficial or non-harmful to this species; however, heavy grazing with associated soil compaction and erosion would further threaten *Chrysopsis floridana*.

D. *The inadequacy of existing regulatory mechanisms.* *Chrysopsis floridana* is listed as endangered under the Preservation of Native Flora of Florida Act (Section 581.185-187, Florida Statutes), which regulates taking, transport, and the sale of plants, but does not provide habitat protection. The Hillsborough County Land Alteration and Landscaping Ordinance (Ordinance 85-29) provides limited protection to the plant's sand pine scrub habitat, but not to the plant itself. Federal listing augments these protections, and provides for development of a recovery plan for the species.

E. *Other natural or manmade factors affecting its continued existence.* Restriction to specialized habitats and small geographically limited ranges tend to intensify any adverse effects upon the populations or habitat of any rare plant. This is certainly true for *Chrysopsis floridana* and is further intensified by the loss of habitat that has already taken place.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Chrysopsis floridana* as endangered. The very limited habitat and range of this plant render it highly vulnerable to residential and commercial real estate development. All the populations are on private land. Several sites where they formerly occurred have been lost and

the species is in danger of extinction. Critical habitat is not being designated for the reasons discussed in the next section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species, which is considered to be critical habitat, at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Chrysopsis floridana* at this time. Such designation would not be beneficial to *Chrysopsis floridana* since identification of critical habitat with maps and precise localities, several of them in residential neighborhoods, would increase the degree of threat from taking or vandalism. All populations of this plant occur in easily accessible sites in heavily populated areas. Appropriate landowners, county and State agencies, and Federal agencies (should any become involved in the future) will be notified of the locations of this plant and the Service will work towards protection of the sites during the recovery process. No additional notification benefits would accrue from designating critical habitat.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see

proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Since all presently known sites for *Chrysopsis floridana* are on private land where no Federal involvement is currently known, there will be no effect on Federal agencies from the above requirements unless the project requires a Federal permit or approval.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits will be sought or issued since this species is not common in cultivation or in the wild. *Chrysopsis floridana* might be cultivated in the future for planting on barrier island dunes. *Chrysopsis floridana* is not known at present on Federal lands, so requests for collection permits are not anticipated. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as

amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

- Cronquist, A. 1980. Vascular flora of the southeastern United States. Vol. 1, Asteraceae. University of North Carolina Press, Chapel Hill.
- Fernald, M.L. 1937. Plants of the inner coastal plain of Virginia. *Rhodora* 39:433-459.
- Long, R. 1970. Additions and nomenclatural changes in the flora of southern Florida. *Rhodora* 72:17-46.
- Semple, J.C. 1981. A revision of the goldenaster genus *Chrysopsis* (Nutt.) Ell. Nom. Cons. (Compositae—Asteraceae). *Rhodora* 83(835):323-384.
- Shinners, L.H. 1951. The North Texas Species of *Heterotheca* including *Chrysopsis* (Compositae). *Field and Lab* 19:66-71.
- Ward, D.B. (editor). 1979. Rare and Endangered Biota of Florida, Volume 5: Plants. University Presses of Florida, Gainesville, Florida. 175 pp.
- Wunderlin, R., D. Richardson, and B. Hansen. 1981. *Chrysopsis floridana*. Status report prepared for U.S. Fish and Wildlife Service. Endangered Species Field Station files, Jacksonville, Florida.

Author

The primary author of this final rule is David L. Martin, Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946-2580).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.12(h) by adding the following, in alphabetical order under Asteraceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Scientific name	Species	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Asteraceae—Aster family:							
<i>Chrysopsis floridana</i> (= <i>Heterotheca floridana</i>)		Florida golden aster	U.S.A. (FL)	E	232	NA	NA

Dated: April 18, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-11108 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Eight Foreign Mammals, Leadbeater's Possum, etc.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for eight foreign mammals: Leadbeater's possum, buffy tufted-ear marmoset, southern bearded saki, large-eared hutia, little earth hutia, dwarf hutia, Cabrera's hutia, and Baluchistan bear. All occupy very restricted ranges and are jeopardized by human habitat disruption and/or direct killing. This rule implements the protection of the Endangered Species Act of 1973, as amended, for these eight mammals.

EFFECTIVE DATE: The effective date of this rule is June 16, 1986.

ADDRESS: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, Suite 500, Broyhill Building, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION:

Background

Whenever practical, and if there is no substantial evidence to the contrary, the Service classifies foreign mammals as endangered, pursuant to the Endangered Species Act of 1973, as amended, if such mammals are so classified in the *Red Data Books* of the International Union for Conservation of Nature and Natural Resources (IUCN). These books result from research by the IUCN Conservation Monitoring Centre in the

United Kingdom, which draws upon authorities from around the world for the latest and best data on the bioconservation status of mammals. The Service and IUCN classifications are now almost in general accord, but in the most recent editions of the *Red Data Books* covering mammals (Thornback 1978, Thornback and Jenkins 1982), the following eight taxa, which were not hitherto on the U.S. List of Endangered and Threatened Wildlife, are categorized as endangered by the IUCN:

Leadbeater's possum (*Gymnobelideus leadbeateri* McCoy, 1867), a marsupial, about 150 millimeters (mm) (6 inches (in.)) in head and body length, with a tail about 200 mm (8 in.) long and flattened laterally, arboreal and nocturnal, and found in the wet forests of southeastern Australia (Nowak and Paradiso 1983);

Buffy tufted-ear marmoset (*Callithrix jacchus aurita* (E. Geoffroy, 1812), considered a full species, *C. aurita*, by IUCN), a small primate, less than 300 mm (12 in.) in head and body length and 400 mm (15 in.) in tail length, characterized by white ear tufts and black head markings, arboreal, and found in forests along the southeastern coast of Brazil (Nowak and Paradiso 1983);

Southern bearded saki (*Chiropotes satanas satanas* (Hoffmannsegg, 1807)), a primate, 360 to 520 mm (14 to 20 in.) in head and body length, with a bushy tail of about the same length, dark in color, and found in the tropical forests of Amazonian Brazil (Nowak and Paradiso 1983, Thornback and Jenkins 1982);

Large-eared hutia (*Capromys auritus* Varona, 1970), a large rodent, about 300 mm (12 in.) in head and body length, with a tail about 180 mm (7 in.) long, having harsh brown fur, arboreal, and found only in a mangrove swamp on Cayo Fragoso, an island off north-central Cuba (Hall 1981, Thornback and Jenkins 1982);

Little earth hutia (*Capromys sanfelipensis* Varona, 1970), a rodent similar to the large-eared hutia, but having a mostly reddish tail, and found in an area of low and dense vegetation on Cayo Juan Garcia off southwestern Cuba (Hall 1971, Thornback and Jenkins 1982);

Dwarf hutia (*Capromys nana* G.M. Allen, 1917), a somewhat smaller rodent that the above, about 200 mm (8 in.) in

head and body length and 175 mm (7 in.) in tail length, generally reddish agouti in color, and found only in the Zapata Swamp, about 100 kilometers (62 miles) southeast of Havana, Cuba (Hall 1981, Thornback and Jenkins 1982);

Cabrera's hutia (*Capromys angelcabrerai* Varona, 1979), a rodent similar to the dwarf hutia, but having a relatively shorter tail, and found only on the Cayos de Ana Maria off south-central Cuba (Varona 1979); and

Baluchistan bear (*Ursus thibetanus gedrosianus* Blanford, 1877, considered by some authorities to belong to a separate genus, *Selenarctos*), a small subspecies of the Asiatic black bear, generally reddish brown in color, usually with a pale breast mark, and now found in the mountains of southern Pakistan and possibly southeastern Iran (Macey 1982).

Available data indicate that each of the above mammals qualifies for classification as endangered, pursuant to the Endangered Species Act. Several appear to be on the verge of extinction. As explained below, the main problems are thought to be habitat destruction and direct killing by people. In the *Federal Register* of October 25, 1985 (50 FR 43420-43423), the Service proposed to determine endangered status for each of these mammals. The proposal requested comments and information that might contribute to development of a final rule. Notifications also were sent to the governments of the nations in which the mammals occur. Only two responses were received, both supportive.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the eight mammals named above should be classified as endangered. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors, and their application to the eight mammals named above, are as follows

(information from Thornback 1978, and Thornback and Jenkins 1982, unless otherwise noted):

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Most of the named mammals have naturally restricted ranges and are dependent on specific kinds of habitat. In some cases, their ranges have been substantially reduced because of human habitat disruption.

Leadbeater's possum is known only from a small area of southeastern Victoria, the southeasternmost state of mainland Australia. It was believed extinct after 1909, but was rediscovered in 1961. It apparently requires mature montane forest, with mountain ash trees over 150 years old and containing hollows that are used for construction of nests. Many such trees were killed by fires in the 1930's and are no longer usable by the possum. Most of the known remaining range of the species is in areas scheduled for logging.

The buffy tufted-ear marmoset has an extremely small range in a region along the southeastern coast of Brazil comprising southeastern São Paulo, western Rio de Janeiro, and adjacent parts of Minas Gerais. It is entirely dependent on forest habitat, nearly all of which has already been cleared for agricultural, lumbering, and industrial purposes.

The southern bearded saki occurs to the south of the Amazon River in east-central Brazil. It depends on tropical rain forest and seems to be partial to undisturbed habitat. Its range has a large human population and is being rapidly developed. This mammal thus has disappeared from many areas.

The large-eared hutia was not discovered until 1970 and is known only from one area of mangrove swamp on Cayo Frago, an island off north-central Cuba. The population is thought to be very small and vulnerable.

The little earth hutia was also discovered in 1970 and has been recorded only from Juan Garcia Cay, a very small island off southwestern Cuba. It may also occur on the nearby and larger Cayo Real. It is thought to be uncommon and was not located at all during an expedition to Juan Garcia Cay in 1980.

The dwarf hutia is currently confined to the Zapata Swamp southeast of Havana. Fossil remains, however, indicate that it once occurred over a much larger part of Cuba. Agricultural development is a potential threat to its small remaining habitat.

Cabrera's hutia was discovered only in 1974 and has not been located since 1975. It is apparently confined to

mangrove swamps on a few small islands in the Cayos de Ana Maria of south-central Cuba. Current numbers are unknown but are thought to be very low.

The Baluchistan bear originally occurred almost throughout the mountainous parts of what is now the nation of Pakistan. It currently appears confined to a relatively small area in the south-central part of the nation, but may also occur in adjacent parts of southeastern Iran. It is evidently rare, with perhaps fewer than 200 individuals surviving. Most of its original forest habitat has been eliminated. According to Roberts (1977), forest clearing opens areas to human utilization and thus leads to increased killing of the bear.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* At present, overutilization is not reported to be a problem for Leadbeater's possum or the buffy tufted-ear marmoset. However, any commercial use of the marmoset would be disastrous, considering its low population levels, and primates historically have been heavily exploited for commercial and scientific purposes. The tail of the southern bearded saki is used as a duster, and was being commonly sold in the city of Belém, Brazil, in 1978.

The main threat to the large-eared, little earth, and Cabrera's hutias is reportedly taking for use as food by fishermen and other persons who visit the small islands where the animals live. The hutias are sometimes driven into the water, where they are slow and clumsy, and thus easily captured. The dwarf hutia is also probably taken by fishermen who visit its swamp habitat.

The Baluchistan bear has declined drastically since the 1930's because of killing by people. It is regarded as vermin and is regularly killed by local farmers, who claim that it damages millet and sorghum crops, and attacks domestic sheep and goats.

C. *Disease or predation.* The buffy tufted-ear marmoset may have disappeared from two national parks in Brazil because of epidemics. Otherwise, disease and nonhuman predation have not been reported as problems for the eight species covered by this rule.

D. *The inadequacy of existing regulatory mechanisms.* Leadbeater's possum is protected against taking by the laws of Victoria, but only some parts of its habitat are being managed with consideration of its welfare. The buffy tufted-ear marmoset and southern bearded saki are not fully protected by law in Brazil. The habitat of both primates is not protected, except in a few relatively small parks and

preserves. According to information available to the Service, all hutias are legally protected in Cuba from hunting activities, but enforcement is difficult. The Baluchistan bear is not known to be protected by law.

E. *Other natural or manmade factors affecting its continued existence.* All eight mammals covered by this rule occur in such small numbers that inbreeding and loss of genetic viability could be a problem.

The decision to determine endangered status for the eight mammals named above was based on an assessment of the best available scientific information, and of past, present, and probable future threats to the species. A decision to take no action would constitute failure to properly classify these mammals pursuant to the Endangered Species Act and would exclude these species from benefits provided by the Act. A decision to determine only threatened status would not adequately reflect the evident rarity and multiplicity of problems of the various species. Critical habitat is not being designated, as it is not applicable to foreign species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened pursuant to the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages conservation measures by Federal, international, and private agencies, groups, and individuals.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR 402, and are now under revision (see proposal in the *Federal Register* of June 29, 1983, 48 FR 29990). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. However, an opinion of August 31, 1981, from the Office of the Solicitor, U.S. Department of the Interior, indicates that the jeopardy prohibition of section 7(a)(2) does not apply to

activities occurring within foreign countries.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered species in foreign countries. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered wildlife. It is also illegal to possess, sell, deliver, transport, or ship any such wildlife that has been taken in violation of the Act. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

The buffy tufted-ear marmoset and the Baluchistan bear are on Appendix I of the Convention on International

Trade in Endangered Species of Wild Fauna and Flora (CITES), meaning that their importation into the U.S. requires both an export permit from the country of origin and an import permit from the U.S. Management Authority for CITES. The southern bearded saki is on Appendix II of CITES, meaning that importation into the U.S. requires an export permit from the country of origin. International trade in these three species, and the other five that are covered by this rule, is expected to be minimal. The Service will review all of these species to determine whether any of them should be placed on the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through section 8A(e) of the Act, and whether they should be considered for other appropriate international agreements.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* of October 25, 1983 (48 FR 49244).

References

- Hall, E.R. 1981. *The mammals of North America*. John Wiley & Sons, New York, 2 vols.
- Macey, A. 1982. *Selenarctos thibetanus*. In Identification manual, volume 1: Mammalia, Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Gland, Switzerland.
- Nowak, R.M., and J.L. Paradiso. 1983. *Walker's mammals of the world*. Johns Hopkins Univ. Press, Baltimore, 2 vols.

- Roberts, T.J. 1977. *The mammals of Pakistan*. Ernest Benn Ltd., London, xxvi + 361 pp.
- Thornback, J. 1978. *Red data book*. Volume 1: Mammalia. International Union for Conservation of Nature and Natural Resources, Morges, Switzerland.
- Thornback, J., and M. Jenkins. 1982. *The IUCN mammal red data book*. Part 1. International Union for Conservation of Nature and Natural Resources, Gland, Switzerland, xi + 516 pp.
- Varona, L.S. 1979. Subgenero y especie nuevos de *Capromys* (Rodentia: Caviomorpha) para Cuba. *Poeyana*, no. 194, 33 pp.

Author

The primary author of this rule is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1975 or FTS 235-1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by adding the following, in alphabetical order under "MAMMALS," to the List of Endangered and Threatened Wildlife.

§ 17.11 Endangered and threatened wildlife.

- * * * * *
- (h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Bear, Baluchistan.....	<i>Ursus thibetanus gedrosianus</i>	Iran, Pakistan.....	Entire.....	E	233	NA	NA
Hutia, Cabrera's.....	<i>Capromys angelcabrerai</i>	Cuba.....	do.....	E	233	NA	NA
Hutia, dwarf.....	<i>Capromys nana</i>	do.....	do.....	E	233	NA	NA
Hutia, large-eared.....	<i>Capromys auritus</i>	do.....	do.....	E	233	NA	NA
Hutia, little earth.....	<i>Capromys santolipensis</i>	do.....	do.....	E	233	NA	NA
Marmoset, buffy tufted-ear.....	<i>Callithrix jacchus aurita</i>	Brazil.....	do.....	E	233	NA	NA
Possum, Leadbeater's.....	<i>Gymnobelideus leadbeateri</i>	Australia.....	do.....	E	233	NA	NA
Saki, southern bearded.....	<i>Chiropotes satanas satanas</i>	Brazil.....	do.....	E	233	NA	NA

Dated: April 24, 1986.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-11110 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 18

Marine Mammals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service amends Part 18 to incorporate amendments to the Marine Mammal Protection Act of 1972 and update organizational nomenclature. The revisions affect those sections of Part 18 where the regulations paraphrase the wording in the Act. Also changed are the references to terms, such as "Bureau" and "Area Director," which are no longer used in the Service's organization. These amendments eliminate inconsistencies with the law and avoid reader confusion.

DATE: These changes are effective June 16, 1986.

ADDRESS: Questions may be forwarded to Chief, Division of Wildlife Management, Room 514 Matomic, U.S. Fish and Wildlife Service, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: LeRoy Sowl, Chief, Division of Wildlife Management, address above, telephone (202)-632-2202.

SUPPLEMENTARY INFORMATION: The Marine Mammal Protection Act (MMPA or Act) was enacted in 1972, and the Fish and Wildlife Service has implemented the Act, as amended, by regulations contained in 50 CFR Parts 18, 82 and 403. The MMPA was enacted for the purpose of ensuring that marine mammals are maintained at healthy population levels. In passing the Act, Congress responded to the growing

concern regarding the decline of certain marine mammal species and recognized the important role that marine mammals play in the ecosystem as well as their economic, aesthetic and recreational value. Under the MMPA the Department of the Interior is charged with responsibility for polar bears, walruses, sea and marine otters, manatees and dugongs. On October 9, 1981, Congress amended the MMPA with the passage of Pub. L. 97-58.

On July 29, 1983, the Service published a notice in the *Federal Register* (48 FR 34486) that described the various changes made by Pub. L. 97-58. On December 23, 1985, the Service published a proposed rule (50 FR 52348) that proposed revisions to 50 CFR Part 18. While regulatory measures addressing marking and tagging of marine mammal parts and incidental take by commercial fishermen will be addressed in separate rulemaking documents, this action contains changes necessary to remove inconsistencies with the legislative amendments, and corrects several outdated organizational terms. The changes being adopted are described below:

1. Section 18.11 is amended to include a citation to 50 CFR Part 403, the joint regulations issued by the Service and the National Marine Fisheries Service concerning transfer of marine mammal management authority to States. Such reference paraphrases the wording of 16 U.S.C. 1372(a), which was amended by Pub. L. 97-58 to include reference to the transfer of management authority provisions.

2. Section 18.13 paraphrases 16 U.S.C. 1372(a), which was changed by the 1981 MMPA amendments (see section 3 of Pub. L. 97-58) by replacing paragraph (a)(3) with new paragraphs (a) (3) and (4), and redesignating former paragraph (a)(4) as (a)(5). Section 18.13 (b) and (c) of Title 50, CFR are revised to make them consistent with the present wording of the law.

3. Section 18.14(c) is updated by replacing the term "Bureau" with "Service." The "Bureau" term referred to the Service's former name, Bureau of Sport Fisheries and Wildlife.

4. Section 18.22 paraphrases 16 U.S.C. 1379(h), which was revised by Pub. L. 97-58, section 4, by adding Federal employees to the officials that may "take" marine mammals in the course of official duties. Section 18.22 is amended to reflect this statutory change. Section 18.22(b) is also amended by replacing the term "Bureau" with "Service," for the same reason as described in item 3, above.

5. Section 18.23 is amended by changing the section title, introductory sentence, and paragraph (a)(1). The revision removes the inconsistencies with 16 U.S.C. 1371(b), which is paraphrased by § 18.23(a). These changes are the product of Pub. L. 97-58, section 2. The two references in the section to the Alaska Area Director are changed to reflect the position's current title of regional director.

6. Section 18.26 is amended by replacing the term "Bureau of Sport Fisheries and Wildlife" with "Service" for the reasons set forth under 3, above.

The Service received one letter of comment concerning the proposed rules from the Marine Mammal Commission. The Commission supported the proposed changes with modifications which are discussed below.

1. In § 18.13, the Commission recommends removal of the phrase "subject to the jurisdiction of the United States" from paragraph (b) and (c). The comparable provisions of the Act do not contain such wording, and, therefore, the Commission believes that such deletion will conform § 18.13 to the wording in the Act and eliminate any potential confusion.

2. In § 18.23, the Commission recommends revising the wording in paragraph (a) to specifically include the provision contained in section 101(b) of

the Act that addresses applicability of State regulations to Alaskan Natives pursuant to the provisions of section 109 of the Act. The Commission also commented that the Service should retain the language "Indian, Aleut, or Eskimo" instead of "Alaskan Native." Although both terms have the same meaning (see 50 CFR 18.3), the Commission believes that the more descriptive term would conform the wording of this section with the language contained in the Act and would, therefore, "eliminate the potential for confusion."

The Service agrees with the comments proffered by the Commission and has made appropriate changes in the final rule to implement these comments.

As noted above, these amendments to Part 18 remove inconsistencies with the MMPA in those areas where the law has been amended. These changes are necessary to conform existing regulations to the law. The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) Similarly, the Service determines that, since the regulatory amendments reflect the statutory language, an environmental assessment, as defined under authority of the National Environmental Policy Act of 1969, need not be prepared for this action. There are no impacts on the public other than to remove any confusion created by the lack of consistent wording contained in the regulations and the law. Additionally, there are no information collection requirements contained in this document that require Office of Management and Budget clearance under 44 U.S.C. 3501. The primary

authors of this document are Rupert R. Bonner and James E. Pinkerton of the Fish and Wildlife Service.

List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Alaska, Imports, Marine mammals, Transportation.

PART 18—[AMENDED]

Accordingly, 50 CFR Part 18 is amended as described below:

1. The authority citation for Part 18 continues to read as follows:

Authority: Marine Mammal Protection Act of 1972, as amended (Pub. L. 92-522, 88 Stat. 1027; Pub. L. 97-58, 95 Stat. 979 (16 U.S.C. 1361-1407)).

2. Section 18.11 is amended by revising the introductory text to read as follows:

§ 18.11 Prohibited taking.

Except as otherwise provided in Subpart C, D, or H of this Part 18, or Part 403, it is unlawful for:

3. Section 18.13 is amended by redesignating paragraph (c) as (d), revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 18.13 Prohibited uses, possession, transportation, and sales.

(b) Any person to possess any marine mammal, or product therefrom, taken in violation of the Act or these regulations;

(c) Any person to transport, purchase, sell, or offer to purchase or sell any marine mammal or marine mammal product; or

§ 18.14 [Amended]

4. Section 18.14(c) is amended by replacing the term "Bureau" with "Service."

5. Section 18.22 is amended by revising the section title, and amending paragraph (a), by inserting "Federal," before the term "State."

§ 18.22 Taking by Federal, State or local government officials.

6. The flush paragraph appearing after paragraph (b)(6) of § 18.22 is amended by replacing the term "Bureau of Sport Fisheries and Wildlife" with the term "U.S. Fish and Wildlife Service."

7. Section 18.23 is amended by revising the section title, introductory paragraph (a), and paragraph (a)(1) to read as follows:

§ 18.23 Native exemptions.

(a) *Taking.* Except as otherwise provided in Part 403 of this Title, any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, subject to the restrictions contained in this section, if such taking is:

(1) For subsistence purposes, or

8. Section 18.23 is further amended in introductory paragraph (b) and paragraph (b)(2) by replacing the term "Alaska Area" with "Regional" both times it appears in this section.

§ 18.26 [Amended]

9. Section 18.26(b) is amended by replacing the term "Bureau of Sport Fisheries and Wildlife" with the term "U.S. Fish and Wildlife Service."

Dated: April 8, 1986.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-11064 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 51, No. 95

Friday, May 16, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1097

[Docket No. AO-219-A43]

Milk in the Memphis, Tennessee Marketing Area; Emergency Decision on Proposed Amendments To Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision adopts, on an emergency basis, amendments to the plant location adjustment provisions of the Memphis, Tennessee order. The changes are based on evidence presented at a public hearing on March 4-7, 1986, in Irving, Texas. The hearing proceeding included proposed amendments to Texas and six other southwestern orders. However, this decision deals only with the Memphis order. Action on proposed amendments to the other six orders will follow.

The changes adopted herein essentially were proposed by two cooperative associations and the operator of a fluid milk plant that is regulated under the order. The changes are needed to align prices among Federal order markets after May 1, 1986, when the Class I differentials mandated by the Food Security Act of 1985 became effective. Because of the limited time available to complete the rulemaking procedures, a recommended decision for the Memphis market and the opportunity to file exceptions thereto have been omitted. The amended order must be approved by the market's dairy farmers to become effective. A referendum will be conducted to determine whether producers favor issuance of the amended order.

FOR FURTHER INFORMATION CONTACT: John F. Borovics, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of

Agriculture, Washington, DC 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601-12) requires the agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities. The action reflects changes in economic conditions that have occurred in the marketplace as a result of the changes to Class I differentials mandated by the Food Security Act of 1985 and increases in the cost of hauling milk that were recognized in those changes. The amended order recognizes these current economic and marketing conditions that affect producers and handlers and its implementation will not cause any additional significant impact on such producers and handlers.

Prior document in this proceeding:

Notice of Hearing: Issued February 14, 1986; published February 21, 1986 (51 FR 6250).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Memphis, Tennessee marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Irving, Texas, on March 4-7, 1986. Notice of such hearing was issued on February 14, 1986 and published February 21, 1986 (51 FR 6250).

Proposals to amend the location adjustment provisions of Texas and six other Federal orders were involved in the hearing proceeding (Docket No. AO-231-A54 *et al.*). This emergency final decision deals only with proposed amendments to the Memphis, Tennessee milk order (Docket No. AO-219-A43). Action with respect to proposed amendments to the other six orders will follow.

Interested parties were given until March 25, 1986, to file post-hearing briefs on the proposed amendments to the Memphis order as published in the hearing notice and on whether these proposals should be considered on an expedited basis.

The material issues on the record of the hearing relate to:

1. Plant location adjustments for handlers under the Memphis, Tennessee order.
2. Need for emergency action.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Plant location adjustments for handlers under the Memphis, Tennessee order.* The location adjustment provisions of the Memphis order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect the Class I differentials mandated by the Food Security Act of 1985 that became effective on May 1, 1986.

The 1985 Act increases Class I price differentials under 35 of the 44 milk orders. The amount of increase differs among markets, but the Act establishes progressively greater amounts from northern markets to southern markets. Increases range from 18 cents to \$1.00 per hundredweight for those orders that regulate plants that distribute Class I milk in the Memphis marketing area. Plants located in six surrounding order marketing areas compete with Memphis handlers for sales of fluid milk products in the Memphis marketing area. The Class I differential increases under these seven orders are as follows: Greater Kansas City, 18 cents; Southern Illinois, 39 cents; Nashville, 67 cents; Paducah, 69 cents; Central Arkansas, 83 cents; Memphis, 83 cents; and New Orleans-Mississippi, \$1.00.

Generally, a fluid milk distributing plant is regulated under the Federal order where the plant has the greater proportion of its fluid milk distribution and the milk is priced at the location of the plant where the milk is received from producers. For example, a distributing plant located in the Nashville marketing area is fully regulated under the Memphis order since a greater proportion of its fluid

milk distribution is made in the Memphis marketing area than in any other Federal order marketing area. Because of this circumstance, the plant procures its milk supply in competition with other plants regulated under the Nashville order and sells much of its Class I milk in competition with Nashville handlers. Potentially, other plants located in other marketing areas could become regulated under the Memphis order. In recognition of the competitive milk procurement and sales situation for plants located in or near other Federal order areas, the Memphis order has provided for location adjustments to the applicable Class I and uniform prices that recognize the Federal order pricing structure in surrounding markets. Since the inter-market Class I price structure has been changed by the Class I differentials mandated by the Food Security Act of 1985, the plant location adjustments under the Memphis order should be modified to realign prices under the Memphis order with prices that will apply in neighboring markets.

The changes adopted herein are essentially those proposed jointly by two dairy farmer cooperatives (Associated Milk Producers, Inc. and Mid-America Dairymen, Inc.). The operator of a fluid milk plant that is located in Nashville, Tennessee and regulated under the Memphis order supported the cooperative's proposed location pricing arrangement and specifically testified in favor of the proposed pricing change at Nashville under the Memphis order.

This proposed rule, if adopted, would revise the plant location adjustment provisions of the Memphis order to recognize the location value of milk in a three-state area of Tennessee, Mississippi and Arkansas that surrounds the Memphis market. The amended order would provide a minus 25-cent adjustment for plants in Tennessee that are more than 50 miles from Memphis, a plus 13-cent adjustment for plants in a nine-county area of northern Mississippi, and zone pricing adjustments for plants in Arkansas. The zones in Arkansas would provide no adjustment in central Arkansas, a minus 22-cent adjustment in northern Arkansas, and a plus 31-cent adjustment in southern Arkansas. Also, the rate for determining location adjustments at distant plants would be increased from 1.5 cents to 2.1 cents per 10 miles to provide closer alignment of Class I prices at plants located in other markets. There was only limited opposition to the proposed changes. Such opposition primarily was related to

the proposed changes for another market involved in this proceeding.

There are currently five fluid milk plants that are fully regulated under the Memphis order. Three of the five plants (Dean, Loftin and Turner) are located within 50 miles of Memphis where historically a location adjustment has not been applicable under the order. No adjustment for location would apply at such plants under the order as amended. Thus, the competitive Class I price relationships among these three handlers would be unchanged. The Class I differential of \$2.77 mandated for the Memphis market by the Food Security Act of 1985 applies at these three plants.

Another of the five fluid milk plants regulated under the Memphis order the plant of Malone & Hyde, is located in downtown Nashville. As proposed by the plant operator and proponent cooperatives, a minus 25-cent location adjustment would apply for milk received at plants in Tennessee that are located more than 50 miles from Memphis. Such adjustment will maintain the existing pricing policy for such plants because the location adjustment equals the difference between the Nashville order Class I differential and the Memphis order Class I differential. A minus 25-cent adjustment under the Memphis order for plants in Tennessee located more than 50 miles from Memphis results in an adjusted Class I differential of \$2.52 at Nashville. That is the same Class I differential mandated for the Nashville order by the Food Security Act of 1985.

The other fluid milk plant (Avents Dairy) that is fully regulated under the Memphis order is located at Oxford, Mississippi, in Lafayette County. The hearing notice proposal of the cooperatives provided that a plus 18-cent location adjustment (or an adjusted Class I differential of \$2.95) apply under the Memphis order at plants located in a nine-county area across northern Mississippi. Proponents modified their proposal at the hearing and proposed that one of the nine counties (Lafayette County where the Oxford, Mississippi plant is located) be removed from the plus 18-cent zone and that a plus 13-cent location adjustment apply at plants in that county only. Proponents' spokesman testified that this modification is needed to coordinate Class I pricing in northern Mississippi under the New Orleans-Mississippi and Memphis orders and specifically to equate the Class I differential adjusted for location under the Memphis order effective at the plant of Avents Dairy in Oxford, Mississippi in Lafayette County

with the \$2.90 Class I differential proposed for northern Mississippi under the New Orleans-Mississippi order.

As modified, however, under the Memphis order a plant located at Tupelo, Mississippi that distributes milk throughout northern Mississippi would have a five-cent higher Class I price than a plant located at Oxford, Mississippi. To further accomplish proponents' stated intentions of aligning Class I prices in northern Mississippi under the two orders, the plus 13-cent location adjustment zone of the Memphis order should include all nine counties originally proposed for inclusion in the plus 18-cent zone. By providing this, the same \$2.90 Class I differential would apply at all plants located in the nine-county area across northern Mississippi which includes both Tupelo and Oxford, Mississippi. Such a coordinated location pricing arrangement for northern Mississippi will provide equity among handlers competing in that area.

Also, a uniform price zone for the nine-county area that constitutes an east-west band across northern Mississippi will establish price alignment under the orders on the same east-west basis as was provided by the Food Security Act of 1985 through the mandated Class I differentials for Federal order markets. For instance, the same \$2.77 Class I differential was provided for the Tennessee Valley, Central Arkansas, Fort Smith and Southwest Plains orders. By providing that the same Class I prices apply at Memphis and Chattanooga, which are both located on the southern border of Tennessee, it has been established that prices are to be aligned on an east-west axis in this area of the country.

The plants at Oxford and Tupelo are located essentially the same distance from the southern boundary of Tennessee. Accordingly, it is consistent with the mandated differentials to adopt an equal price zone on an east-west axis across northern Mississippi. The 13-cent plus adjustment proposed for this zone under the Memphis order is essentially the same amount as the 12-cent plus adjustment now applicable at the Oxford plant based on its distance from Memphis under the order's current location adjustment provisions.

Additionally, the Oxford plant is located about 40 miles south of the fully regulated plant at Red Banks, Mississippi, which is within 50 miles of Memphis and no location adjustment applies. The 13-cent higher price proposed for the Oxford plant represents a rate of about 3 cents per 10 miles distance between the two plants.

Such a rate approaches the full cost that may be associated with distance in moving milk. Thus, it would be inappropriate to provide the higher 18-cent plus location adjustment at Oxford as originally proposed, because the Oxford plant would be at a disadvantage in competing with the plant at Red Banks for Class I sales in northern Mississippi.

The location adjustment provisions of the Memphis order have provided that no location adjustment apply in a large number of counties in central Arkansas, since the Class I differentials under the central Arkansas and Memphis orders are identical. Differentials for Class I milk under both orders are now \$2.77. Accordingly, the no location adjustment policy now applicable under the Memphis order for territory in central Arkansas should be continued and the 40-county area in central Arkansas where the cooperatives proposed that no location adjustment be applied should be adopted.

Proponents proposed a plus 31-cent location adjustment zone under the Memphis order for territory in southern Arkansas. This territory is situated about 200 miles southwest of Memphis and is located adjacent to and north of the Greater Louisiana marketing area where a \$3.28 Class I differential was mandated. The 51-cent higher differential at Shreveport, which is in the base pricing zone of that market, represents an increasing value of milk in that direction from Memphis at the rate of 1.5 cents per 10 miles. Thus, the proposed 31-cent plus location adjustment zone in the intervening territory between the two markets in southern Arkansas adequately reflects the 1.5 cents per 10 miles rate that the mandated differentials for such orders represent. By so doing, it will provide proper alignment of prices in that area between the Memphis order and other nearby orders.

The only other specific pricing zone proposed for the Memphis order is the territory in northern Arkansas that is north of the no location adjustment zone in central Arkansas. A fluid milk plant located in northern Arkansas at Paragould and regulated under the Central Arkansas order has some fluid milk distribution in the Memphis marketing area. The current location adjustment provisions of the Memphis order would provide for a minus location adjustment of 16.5 cents at Paragould, since the plant is about 100 miles from Memphis.

Proponents proposed that a minus 22-cent location adjustment apply in the northern Arkansas zone. This is essentially the same adjustment that

would apply at Paragould if the plant's adjustment were computed on the basis of the 2.1 cents per 10-miles rate that is proposed for plant locations in all territory not otherwise specifically zoned under the order.

The higher 2.1 cents per 10-miles rate for plants outside any zone was proposed to more nearly reflect under the order the current cost associated with distance in transporting milk. Also, it serves the purpose of providing inter-market price alignment in situations where plants in distant areas may become regulated under the order. The record indicates that the current cost of hauling milk is more than twice the 1.5 cents per 10-miles rate now used to compute location adjustments under the order. However, the use of such a rate would result in adjusting prices more than is necessary to provide alignment of prices on an inter-market basis under the price structure mandated through the Class I differentials that became effective on May 1, 1986.

No location adjustments are needed to align prices in this region on an east-west axis, since the mandated Class I differentials are identical along a line extending from Oklahoma City to Chattanooga. On a strictly north-south axis, the mandated differentials reflect up to 3 cents per 10-miles distance. For example, the \$3.85 Class I differential at New Orleans exceeds the Memphis Class I differential by a rate of about 3 cents per 10-miles. To the north, the Class I price at a plant in Fulton, Kentucky, which is regulated under the Paducah order and distributes fluid milk products in the Memphis marketing area, is below the Memphis Class I price by 3 cents per 10-miles distance also. Similarly, for plants regulated under the Southern Illinois order that have sales in the Memphis market, the difference in Class I prices reflects a rate of about 2.7 cents per 10-miles distance.

For markets located off of a straight north-south axis from Memphis the differences in Class I differentials would reflect a somewhat lesser rate than those centered directly on the north-south axis. For example, to the northwest in the direction of the Greater Kansas City order, which regulates a handler who has Class I sales in the Memphis market, the Class I differentials between the Memphis and Kansas City markets reflects a rate of 1.9 cents per 10 miles.

In view of the variation in rates between markets, no single location adjustment rate will provide exact price alignment in areas that are not specifically zoned. The proposed rate of 2.1 cents per 10-miles falls within the range of rates that would provide

reasonable inter-market price alignment at distant locations.

The only opposition to the proposed changes in the location adjustment provisions for the Memphis market was presented by the operator of a distributing plant at Paragould, Arkansas. The handler's primary concern was that the proposed order amendments would adversely impact the Paragould plant's competitive position in the marketplace. The handler contends that the location adjustment at Paragould under both the Memphis, Tennessee and Central Arkansas orders be minus 34 cents rather than minus 22 cents.

The Paragould plant is fully regulated under the Central Arkansas order and has only a limited association with the Memphis market. For example, only three percent of the plant's fluid milk sales are distributed on routes in the Memphis marketing area. About 50 percent of the plant's sales are distributed on routes in the Paragould area in competition with handlers regulated under the Memphis order who will be subject to higher Class I prices. The handler's opposition would appear to be more relevant to the proposed changes in the location pricing provisions of the Central Arkansas order, which regulates the handler, than to the Memphis order provisions. Accordingly, the handler's position with respect to the location value of milk at Paragould will be dealt with later in a decision involving the Central Arkansas market.

2. Need for emergency action. The representative for Malone & Hyde testified that if the mandated Class I differentials become effective before the location adjustment provisions of the Memphis order are amended, the Class I price at its Nashville plant under the Memphis order will be 16 cents higher than plants similarly located but regulated under the Nashville order. The handler estimated that if this happened, milk for the Nashville plant would cost \$15,000 per month more than at the Class I price for plants of other handlers who are similarly located but regulated under the Nashville order. Because of the adverse impacts on the handler's Nashville plant in such case, the handler asked that the decision for the Memphis order be dealt with separately on an expedited basis so that the amended order effective on May 1, 1986, would reflect the Memphis order's higher mandated Class I differential and the proposed changes in the location adjustment provisions.

Disorderly marketing conditions could result if the location adjustment

provisions of the Memphis order are not amended as expeditiously as possible. Expedited action for the Memphis market was widely favored by interested parties and no opposition to such action was expressed. Omission of a recommended decision and the opportunity to file exceptions thereto is necessary to amend the order's location adjustment provisions as soon as possible. For the above reasons, a recommended decision is omitted on the basis that the due and timely execution of the Secretary's functions imperatively and unavoidably requires such omission.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed by certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Memphis, Tennessee order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the

respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Memphis, Tennessee marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which was published with this decision.

Referendum Order to Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted and completed on or before the 20th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 *et seq.*), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended, regulating the handling of milk in the Memphis, Tennessee, marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The representative period for the conduct of such referendum is hereby determined to be November 1985.

The agent of the Secretary to conduct such referendum is hereby designated to be Richard E. Arnold.

List of Subjects in 7 CFR Part 1097

Milk marketing orders, Milk, Dairy products.

Signed at Washington, DC, on May 8, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order¹ amending the order, regulating the handling of milk in the Memphis, Tennessee, marketing area.

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to

Findings and determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings*. A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in Memphis, Tennessee, marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1097—MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

1. The authority citation for 7 CFR Part 1097 continues to read as follows:

Authority: (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

formulate marketing agreements and marketing orders have been met.

2. Section 1097.52 is revised to read as follows:

§ 1097.52 Plant location adjustments for handlers.

(a) For milk received at a fluid milk plant from producers or a handler described in § 1097.9(c) and which is classified as Class I milk without movement to another fluid milk plant, the price specified in § 1097.50(a) shall be adjusted by the amount or at the rate specified in paragraphs (a) (1) through (4) of this section for the location of such plant.

(1) For a plant located in the State of Tennessee and more than 50 miles from the City Hall in Memphis, Tennessee, the adjustment shall be minus 25 cents.

(2) For a plant located in the State of Mississippi, the adjustment shall be as follows:

(i) In the Mississippi counties of Itawamba, Lafayette, Lee, Panola, Pontotoc, Prentiss, Tate, Tunica or Union, the adjustment shall be plus 13 cents; and

(ii) In any Mississippi county not specified in paragraph (a)(2)(i) of this section and more than 50 miles from the City Hall in Memphis, Tennessee, the adjustment shall be plus 2.1 cents for each 10 miles or fraction thereof (rounded to the nearest cent) that such plant is located from the City Hall in Memphis, Tennessee.

(3) For a plant located in the State of Arkansas, the adjustment shall be as follows:

(i) In the Arkansas counties of Arkansas, Clark, Cleburne, Cleveland, Conway, Crawford, Crittenden, Cross, Dallas, Desha, Faulkner, Franklin, Garland, Grant, Hot Spring, Howard, Jefferson, Johnson, Lee, Lincoln, Logan, Lonoke, Monroe, Montgomery, Perry, Phillips, Pike, Polk, Pope, Prairie, Pulaski, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, White, Woodruff or Yell, no adjustment shall apply;

(ii) In any Arkansas county lying north of any county specified in paragraph (a)(3)(i) of this section, the adjustment shall be minus 22 cents;

(iii) In any Arkansas county lying south of any county specified in paragraph (a)(3)(i) of this section, the adjustment shall be plus 31 cents.

(4) For a plant located outside the areas described in paragraphs (a) (1), (2) and (3) of this section, the adjustment shall be minus 2.1 cents for each 10 miles or fraction thereof (rounded to the nearest cent) that such plant is located from the City Hall in Memphis, Tennessee.

(b) For fluid milk products transferred in bulk between fluid milk plants and

classified as Class I milk, such location adjustments shall be assigned to the Class I disposition at the transferee-plant in excess of the sum of receipts at such plant from producers and from handlers described in § 1097.9(c) times 1.05, and the pounds assigned in Class I to receipts from other order plants and unregulated supply plants, such assignment to be made in sequence beginning with the transferor plant with the highest Class I price.

[FR Doc. 86-10809 Filed 5-15-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Informal Airspace Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: This notice announces an informal airspace meeting to seek information on proposing a modification of the Houston Terminal Control Area (TCA).

DATE: July 15, 1986, 7:00 p.m. Central daylight time.

ADDRESS: Houston Police Academy, 17000 Aldine Westfield, Houston, Texas 77073.

FOR FURTHER INFORMATION CONTACT: Everett J. Sinon, Jr., Manager, Houston Intercontinental Airport Traffic Control Tower, P.O. Box 60158, Houston, Texas 77205; Telephone (713) 443-1333.

Issued in Fort Worth, Texas, on May 9, 1986.

Richard L. Faylor,
Manager, Air Traffic Division, Southwest Region.

[FR Doc. 86-11005 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 379

[Docket No. 60228-6028]

General License GTDA; Technical Data Available To All Destinations

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: Export Administration has reviewed the Export Administration Regulations pertaining to scientific communications, especially those exportable under General License GTDA: Technical Data Available to All Destinations. This proposed rule seeks to provide clarified guidelines for the use of General License GTDA, and preserves the free flow of ideas and people that is fundamental to effective research. This rule covers the areas of publications, conferences, educational instruction, correspondence and informal scientific exchanges, federal contract controls, and commercial consulting.

The current GTDA regulations have three categories of eligibility: (1) Data generally available to the public; (2) scientific or educational data; and (3) information contained in patent applications. Several issues have arisen over the years in applying these categories. "Data Generally Available" included publications available at "nominal cost". The "nominal cost" test often indicated general availability, but it could also often be unduly restrictive. Moreover, determining what dollar amount constituted "nominal" cost was difficult. The transfer of data in a scientific conference was permitted under GTDA if the conference was "open". However, determining an "open" conference was difficult. Finally, the regulations for "Scientific or Educational Data" did not provide express guidance as to the type of research that qualified for this exception.

The proposed regulations redefine these three categories. Under the new regulation to qualify for GTDA, technical data must fit into one of four categories: (1) Public availability; (2) Fundamental Research; (3) Educational Information; or, (4) Patents. While the proposed regulations establish parameters for each of these categories, their major thrust is aimed at defining "public availability" and "fundamental research."

The proposed regulations make it clear that data need not be available to every person on the street to qualify for GTDA, but rather availability to a community of persons, such as those in a scientific or engineering discipline, is sufficient. In defining "fundamental research," the proposed regulations examine the degree of "control" on the dissemination of the data and the "entity" performing the research. If the research is conducted at a university and is neither contractually controlled nor classified, it will be deemed fundamental research. In contrast,

research that is conducted by a business entity will be considered proprietary and therefore not GTDA, unless the information can be freely disclosed.

The proposed changes to section § 379.3 are based on the recommendations of an interagency Working Group on Export Controls and Scientific Communication. Copies of the Working Group's report, dated April 5, 1985, are available through the information contact listed below.

At about the same time as the Working Group completed its deliberations and report, Export Administration independently published new regulations on control of software (50 FR 16468 April 26, 1985). Generally, under these regulations an individual validated license or, in some cases, a written assurance is required for export to any destination of software covered in the Commodity Control List, in Supplement No. 3 to Part 379, or in § 379.4(c) or (d) Except for the embargoed countries, General License GTDR is available for export to all destinations of any other software.

A question has arisen about the extent to which General License GTDA should be available for exports of software. While the proposed regulations treat software as being eligible for General License GTDA, because of the uniqueness of software, concern has arisen over this treatment. Public comment is specifically requested on this treatment of software and on the definition of "public availability".

DATE: Comments must be received by the Department July 15, 1986.

ADDRESS: Written comments (six copies) should be sent to: Betty Ferrell, Regulations Branch, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: John Black or Patti Muldonian, Export Administration (Telephone: (202) 377-2440).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements and Invitation to Comment

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291 and, it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553

of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. However, because of the importance of the issues raised by these regulations, this rule is issued in proposed form and comments will be considered in developing final regulations. Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

3. Because a notice of proposed rulemaking and opportunity for public comment are not required to be given for this rule by section 533 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule mentions a collection of information requirement subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625-0140.

The period for submission of comments will close 60 days after publication. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured.

The Department will not accept public comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States

Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations.

Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Part 379

Exports, Science and Technology.

PART 379—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Part 379) are proposed to be amended as follows:

1. The authority citation for 15 CFR Part 379 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401, *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; and E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

2. Section 379.1(b)(1) is amended by adding a note before the semicolon at the end of paragraph (ii), to read as follows:

§ 379.1 Definitions.

(b) *Export of technical data.*

(1) ***

(ii) *** (Note.—Such "knowledge or intent" is presumed when the release is to a natural person who is not a citizen of the United States unless that person has been lawfully admitted for permanent residence in the United States under the Immigration and Naturalization Act (8 U.S.C. 1101) or the person releasing the data can otherwise establish that the data will not be shipped or transmitted from the U.S.); or ***

3. Section 379.1(b)(2) is amended as follows: The word "and" following the semicolon in paragraph (ii) is removed, the period at the end of paragraph (iii) is replaced by a semicolon and the word "and" is added, and a new paragraph (iv) is added to read as follows:

§ 379.1 Definitions.

(b) * * *

(2) * * *

(iv) Training, including training of foreign persons in the design, engineering, development, production, processing, manufacture, use, operation, overhaul, repair, maintenance, modification or reconstruction of commodities.

4. Section 379.3 is revised to read as follows:

§ 379.3 General license GTDA; technical data available to all destinations.

(a) *Establishment of general license.* A General License GTDA is hereby established authorizing:

(1) Unrestricted export to any destination of technical data that are already publicly available or will be made publicly available by such export, as described in paragraph (b) of this section;

(2) Unrestricted export to any destination of information arising during or resulting from fundamental research, as described in paragraph (c) of this section;

(3) Release of educational information, as described in paragraph (d) of this section; and

(4) Export of information in connection with certain patent applications, as described in paragraph (e) of this section

However, see paragraph (f) with regard to Government-sponsored research covered by contractual national-security controls and paragraph (g) with regard to consulting.

(b) *Publicly available* Technical data are made public and so become "publicly available" when they are put into public domain in any form, including:

(1) Publication in periodicals, books, or other print or electronic media available for general distribution to any member of the public, either free or at a price reflecting an intention that the information be widely available to the public or to a community of persons, such as those in a scientific or engineering discipline, interested in the subject matter.

(2) Ready availability at libraries open to the public or at university libraries; or

(3) Release at an open conference, meeting, seminar, trade show, or other open gathering.

(i) A conference or other gathering is "open" if all technically qualified members of the public are eligible to attend and attendees are permitted to take notes or otherwise make a personal record (not necessarily a recording) of the proceedings and presentations.

(ii) All technically qualified members of the public may be considered eligible to attend a conference or other gathering notwithstanding:

(A) A registration fee reasonably related to costs and reflecting an intention that all interested and technically qualified persons be able to attend, or

(B) A limitation on actual attendance, as long as attendees either are the first who have applied or are selected on the basis of relevant scientific or technical competence, experience, or responsibility.

This General License GTDA authorizes submission of papers to domestic or foreign editors or reviewers of journals, or to organizers of open conferences or other open gatherings, with the understanding that the papers will be made publicly available if favorably received.

(c) *Information resulting from fundamental research*—(1) *Fundamental research.* Fundamental research means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons. Paragraphs (c) (2) through (4) of this section provide explicit rules that will be used to identify research qualifying as fundamental research.

(2) *University-based research.* (i) Research conducted by scientists, engineers, or students at a university normally will be considered fundamental research. ("University" means any accredited institution of higher education located in the United States.)

(ii) Arrangements providing for a prepublication review by a sponsor of university research solely to ensure that the publication would neither compromise patent rights nor inadvertently divulge the sponsor's trade secrets do not in themselves change the rule described in (i).

(iii) However, that normal rule will not hold for a research project or activity if the university or its researchers accept (at the request, for example, of an industrial sponsor) other restrictions on publication of scientific

and technical information resulting from the project or activity. Scientific and technical information resulting from the research will nonetheless become subject to General License GTDA once all such restrictions have expired or have been removed.

(iv) Paragraph (a)(2) includes disclosure of information to any scientists, engineers, or students at a U.S. university in the course of industry-university research collaboration under specific arrangements between a firm and the university, as long as the arrangements do not include restrictions of the type referred to in paragraph (c)(2)(iii) immediately above.

(v) Note that paragraph (f) will apply if a university or its researchers accept specific national security controls on a research project or activity sponsored by the U.S. Government.

(3) *Research based at Federal agencies or FFRDCs.* Research conducted by scientists or engineers working for a Federal agency or a Federally Funded Research and Development Center (FFRDC) may be designated as "fundamental research" within any appropriate system controlling release of information by such scientists and engineers devised by the agency or the FFRDC.

(4) *Corporate research.* Research conducted by scientists or engineers working for a business entity will be considered "fundamental research" at such time and to the extent that the researchers are free to make scientific and technical information resulting from the research publicly available without restriction or delay based on proprietary or national security considerations. Prepublication review by the company solely to ensure that the publication would compromise no patent rights will not be considered a proprietary restriction for this purpose.

(5) *Research based elsewhere.* Research conducted by scientists or engineers who are not working for any of the institutions described in paragraphs (c) (2) through (4) will be treated the same as corporate research, as described in paragraph (c)(4).

(d) *Educational information.* The release of "educational information" referred to in paragraph (a)(3) is release by instruction in catalog courses and associated teaching laboratories of academic institutions. Dissertation research is treated in paragraph (c)(2).

(e) *Patent applications.* The information referred to in paragraph (a)(4) above is:

(1) Information contained in a patent application prepared wholly from foreign-origin technical data where the application is being sent to the foreign inventor to be executed and returned to

the United States for subsequent filing in the U.S. Patent and Trademark Office; or

(2) Information contained in a patent application, or an amendment, modification, supplement, or division of an application, and authorized for filing in a foreign country in accordance with the regulations of the Patent and Trademark Office, 37 CFR Part 5. See § 370.10(j).

(f) *Government-sponsored research covered by contract controls.* (1) If research is funded by the U.S. Government, and specific national security controls are agreed on in the funding instrument to protect information resulting from the research, paragraph (a)(2) will not apply to any export of such information in contravention of such controls. A General License GTDA as described in paragraph (a) is nonetheless available for any export of information resulting from the research that is consistent with the specific controls.

(2) Examples of "specific national security controls" include requirements for prepublication review by the Government, with right to withhold permission for publication; restrictions on prepublication dissemination of information to noncitizens or other categories of persons; or restrictions on participation of noncitizens or other categories of persons in the research. A general reference to one or more export control laws or regulations or a general reminder that the Government retains the right to classify is not a "specific national security control".

(g) *Consulting.* Consulting generally is an especially effective mechanism of technology transfer. Although General License GTDA authorizes release via a consulting arrangement of technical data described in paragraph (a) (1) through (3), it does not authorize release of other technical information or application abroad of other personal knowledge or technical experience acquired in the United States. See also paragraph (h) below.

(h) *Advice concerning uncontrolled information.* Persons may be concerned that an export of uncontrolled information, could adversely affect U.S. national security interests. Exporters who wish advice before exporting such information can contact the appropriate Government scientific or technical personnel by calling Export Administration at (Telephone (202) 377-4811).

5. Section 379.4 is amended by adding paragraph (f)(4) to read as follows:

§ 379.4 General license GTDR technical data under restriction.

(f) ***

(4) Written assurance requirement for foreign natural persons employed in the United States. Technical data otherwise exportable only under an individual validated license may be released to employees who are foreign persons under this General License GTDR by an employer who is a citizen or national of the United States, a firm organized under the laws of the United States, or a university, subject to the following conditions:

(i) The foreign person is a bonafide and full-time regular employee, or appropriate action has been initiated under the Immigration and Naturalization Act that is intended to result in the foreign person becoming a full time regular employee;

(ii) The employee resides throughout the period of employment in the United States;

(iii) The employee is not a national of a country listed in Country Groups Q, S, W, Y, Z, Afghanistan or the People's Republic of China;

(iv) The technical data are not restricted by either § 379.4(c) or (e); and

(v) The employer has been assured by the employee in writing that the technical data will not be transferred to other foreign persons, except as permitted by these regulations, without the written consent of Export Administration.

Dated: May 13, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86-11106 Filed 5-15-86; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-8-86]

Income Taxes: Proposed Rule by Cross Reference to Temporary Regulations Under Section 338, Stock Acquisitions, Statements of Elections and Due Dates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the Federal Register, the Internal Revenue Service is amending temporary regulations relating to section 338(g) of the Internal Revenue Code of 1954 ("Code") as added by the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"). The amendments provide additional guidance to taxpayers concerning the filing of certain statements of election under section 338 on or after December 9, 1985, and on or before July 15, 1986. An amendment to temporary regulation § 1.338-4T also clarifies the application of the mitigation of limitations provisions. The temporary regulations also extend the time for taking certain actions under section 338. The text of the new and revised sections also serves as the comment document for this notice of proposed rulemaking.

DATES:

Proposed Effective date

The regulations are proposed to apply generally to stock acquisitions made after August 31, 1982. Certain provisions would only apply with respect to elections under section 338 filed on or after December 9, 1985, and on or before July 15, 1986.

Dates for Comments and Requests for a Public Hearing

Written comments and requests for a public hearing must be delivered or mailed by July 15, 1986.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T [LR-8-86], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Thomas J. Kane of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T) or telephone 202-566-3458 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations published in the Rules and Regulations portion of this issue of the Federal Register amend temporary regulations §§ 1.338-1T, 1.338-2T, 1.338-4T, 1.338-5T, and 1.338(h) (10)-1T in Part 1 of Title 26 of the Code of the Federal Regulations ("CFR"). The final regulations that are proposed to be based on the amended temporary regulations would be added to Part 1 of Title 26 of the CFR. Those final regulations would provide guidance on filing certain statements of

election under section 338 (g) of the Internal Revenue Code. Section 338 (g) was added by section 224 of TEFRA (Pub. L. No. 97-248; 96 Stat. 485) and was amended by section 712 (k) of the Tax Reform Act of 1984 (Pub. L. No. 98-369; 98 Stat. 948). For the text of the amendments to the temporary regulations, see T.D. 8088, published in the Rules and Regulations portion of this issue of the *Federal Register*. The preamble to the temporary regulations explains the additions to the regulations.

Regulatory Flexibility Act and Executive Order 12291

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply.

Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis therefore is not required.

Comments and Request For a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a possible hearing is held, notice of the time and place will be published in the *Federal Register*.

Drafting Information

The principal author of these proposed regulations is Thomas J. Kane of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 86-10997 Filed 5-15-86; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-3-86]

Transfers of Property by U.S. Persons to Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the *Federal Register*, the Internal Revenue Service is issuing temporary regulations that add new §§ 1.367(a)-1T through 1.367(a)-6T, relating to transfers of property by U.S. persons to foreign corporations, new § 1.367(d)-1T, relating to transfers of intangible property by U.S. persons to foreign corporations, and new § 1.6038B-1T, relating to reporting of transactions described in section 367. The text of the new sections also serves as the comment document for this notice of proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed before July 15, 1986.

The regulations are proposed generally to apply to transfers made after December 31, 1984.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T [LR-3-86], Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Charles W. Culmer of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. (Attention: CC:LR:T) (202-566-4336, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations published in the Rules and Regulations portion of this issue of the *Federal Register* add new §§ 1.367(a)-1T, 1.367(a)-2T, 1.367(a)-3T, 1.367(a)-4T, 1.367(a)-5T, 1.367(a)-6T, 1.367(d)-1T, and 1.6038B-1T to 26 CFR Part 1. The final regulations that are proposed to be based on these temporary regulations would amend 26 CFR Part 1 by adding these new temporary regulation sections as final regulation sections under sections 367 and 6038B of the Internal Revenue Code of 1954. For the text of the temporary regulations, see FR Doc. 86-10631 [T.D. 8087] published in the Rules and Regulations portion of this issue of the *Federal Register*.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. The Secretary of the Treasury has certified that this rule will not have a significant impact on a substantial number of small entities. Few small entities would be affected by these regulations. A regulatory flexibility analysis, therefore, is not required under the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for A Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *Federal Register*. The collection of information requirements contained herein have been submitted to the Office of Management and Budget (OMB) for review under section 3504 (h) of the Paperwork Reduction Act. Comments on the requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, DC 20503. The Internal Revenue Service requests persons submitting comments to OMB to also send copies of the comments to the Service.

Drafting Information

The principal author of this regulation is Charles W. Culmer of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of substance and style.

List of Subject

26 CFR 1.301-1 through 1.385-6

Income taxes, Corporations, Corporate distributions, Corporate adjustments, Reorganizations.

26 CFR 1.6001-1 through 1.6109-2

Income taxes, Administration and procedure, Filing requirements.

Proposals of Regulations

The temporary regulations, FR Doc. 86-10831 [T.D. 8087] published in the Rules and Regulations portion of this issue of the *Federal Register*, are hereby also proposed as final regulations under section 367 and 6038B of the Internal Revenue Code of 1954.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 86-10832 Filed 5-15-86; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1915

[Docket No. S001]

Hazard Communication in Shipyard Employment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: As of May 25, 1986, OSHA's Hazard Communication Standard (HCS) (§ 1910.1200) will be applicable to all employment in SIC Classifications 20 through 39, which include shipbuilding and ship repairing employment. As of that date, shipbuilding and ship repairing will no longer be covered by § 1915.97(a)-(d). However, since shipbreaking is included in SIC Code 44 and is not currently covered under the scope of § 1910.1200, the shipbreaking segment of the industry will continue to be covered by § 1915.97 (a), (b), and (d). OSHA is proposing to amend § 1915.97 to reflect the change in coverage for shipbuilding and ship repairing employment. OSHA is also proposing that its current requirement in § 1915.97(c) for OSHA approval of forms used for Material Safety Data Sheets (MSDS) in all shipyard employment, (shipbuilding, ship repairing, and shipbreaking), be revised. OSHA believes that such approval is not necessary to assure that the appropriate information is contained in an MSDS, and that the particular form used by an employer is not critical to the MSDS requirement in § 1915.97. OSHA is also proposing that the discussed revision of § 1915.97(c) would become effective as of the issuance of the final rule.

DATES: Comments on the proposal must be postmarked by July 15, 1986.

Requests for a hearing must also be postmarked by July 15, 1986.

ADDRESS: Comments, objections, and hearing requests should be sent to: Docket Officer, Docket No. S001, Occupational Safety and Health Administration, Room N3670, U.S. Department of Labor, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, Washington, DC 20210, (202) 523-8151.

SUPPLEMENTARY INFORMATION:

I. Background

Paragraphs (a) through (d) of § 1915.97, entitled "Health and Sanitation," require employers engaged in ship repairing, shipbuilding or shipbreaking to obtain information regarding hazardous materials used in their workplaces and to make this information available to their employees.

On November 25, 1983 (48 FR 53280), OSHA promulgated Section 1910.1200, entitled "Hazard Communication," which applies to manufacturers and importers of hazardous materials in SIC Codes 20 through 39 effective May 25, 1986. Employers engaged in ship repairing and shipbuilding are covered by this regulation since they are included within SIC Code 37. Employers engaged in shipbreaking are not presently covered by this regulation, as they are included within SIC Code 44, and thus not within the current coverage of the Hazard Communication Standard.

Section 1910.1200 requires employers to obtain and transmit to their employees information about hazardous materials in the workplace, and to instruct these employees regarding measures that are or may be necessary for employee protection. Since § 1910.1200 will apply to ship repairing and shipbuilding effective May 25, 1986, it is proposed to recognize this coverage for those industry sectors within Part 1915, in place of § 1915.97 (a), (b), and (d) while continuing coverage of § 1915.97 (a), (b), and (d) for employers in the shipbreaking industry.

In addition, it is the Agency's intention to revise the current requirement contained in § 1915.97(c), that pertinent data relating to hazardous materials be recorded on an OSHA Form 20 or on an "essentially similar form which has been approved by" the Agency. Material Safety Data Sheets for shipbreaking would be considered to be in compliance with § 1915.97 if all of the information requested in § 1915.97(b) is

included on a form or format that is accessible for the employees. OSHA had determined that pre-approval of the form to be used is not necessary for employee safety. The procedures under § 1915.97 would thus become similar to those prescribed by paragraph (g) of § 1910.1200 which does not specify the use of a specific form to impart this pertinent data.

As noted above, paragraph (c) of § 1915.97 currently requires that the Material Safety Data Sheet for shipyards be on an "OSHA Form 20" or essentially similar form approved by the Agency. In developing the HCS, OSHA determined that it was not necessary for the purposes of the standard that the MSDS be on any particular form. The information required on the OSHA Form 20 is very similar to what is required under 29 CFR 1910.1200. This was recognized in the preamble of 29 CFR 1910.1200, which stated: "Anyone wishing to use the Form 20 may continue to do so, so long as they ensure that all of the information required by this standard is provided." (48 FR 53310)

What is important, for the purposes of § 1910.1200, is that the necessary information about the hazardous material in question be available on the Material Safety Data Sheet, regardless of the form that is used. OSHA believes that the same reasoning holds true for both shipyard employment and general industry.

It has been noted that there are some differences between what is required by § 1910.1200 and what is required on the OSHA Form 20. In brief, the primary difference is that the HCS requires that the hazardous chemical's primary route of entry into the body be identified; and if the hazardous chemical is in any of the publications cited in the standard, (NRP's "Annual Report of Carcinogens" or IARC's "Monographs"), this must be noted. The current OSHA Form 20 does not contain any sections which are designated for the inclusion of this information.

Employers who are using Form 20's are responsible for reviewing these forms to determine whether they contain all the necessary information under the HCS. OSHA believes that most Form 20's in use are fully or substantially in compliance with the HCS. In the course of this rulemaking, the Agency solicits information from interested persons as to the information which is currently available on MSDS's in shipyards, and how that information compares to the requirements of the HCS.

In *United Steelworkers vs. Auchter*, No. 83-3554, (3d cir., May 24, 1985), the U.S. Court of Appeals for the Third

Circuit upheld the application of OSHA's Hazard Communication Standard, 29 CFR 1910.1200, to industry sectors in SIC Codes 20 through 39. In addition, the court directed the Secretary "to reconsider its application to employees in other sectors, and to order its application in those sectors unless he can state reasons why such application would not be feasible." Slip op. at p.38. OSHA is presently engaged in performing the additional review and analysis as directed by the court on this and other issues and intends to publish notices in the Federal Register in the near future to deal directly with the court decision. In this regard, on November 27, 1985 (50 FR 48794), OSHA published an advance notice of proposed rulemaking, requesting comments and information on expanding the scope of industries covered by § 1910.1200. In contrast it should be noted that the present proposal was not developed as part of the Agency's response to the court mandate. It was initiated as a means of alleviating the potential for conflict and confusion in the application of the Hazard Communication Standard to shipyard employment.

Pursuant to 5 U.S.C. 553, OSHA is proposing that these amendments become effective immediately upon publication of the Final Rule, since they reduce the regulatory burden on employers by deleting the requirement for an OSHA approved form for MSDS's, while imposing no new requirements on employers.

OSHA recognizes that shipbreaking employers may wish to comply with § 1910.1200 in lieu of the requirements of § 1915.97. In order to deal with this possibility, OSHA intends to consider violations of § 1915.97 to be "de minimis," provided that the employer is in compliance with § 1910.1200.

II. Benefits

The OSHA Form 20 Material Safety Data Sheet currently required in shipyards by § 1915.97 has traditionally been prepared by chemical manufacturers, importers, and distributors. However, the obligation under § 1915.97 is placed on shipyard employers to provide information regarding hazardous materials to their employees. Section § 1915.97 does not require chemical manufacturers, importers, and distributors to provide MSDS's to the shipyard employer. Under § 1910.1200, they were required to furnish Material Safety Data Sheets to a large group of employers (i.e., SIC Codes 20 through 39), including ship repairing and shipbuilding, effective November 25,

1985. The burden placed on shipyard employers in the ship repairing and shipbuilding industries to provide MSDS information to their employees will remain essentially the same under the new § 1910.1200 as it is under the current § 1915.97.

Under § 1910.1200, there will no longer be a need for shipyard employers to adhere to a rigid format in developing Material Safety Data Sheets. Those employers who develop their own Material Safety Data Sheets, as well as those who receive the forms from manufacturers, distributors, and importers, will save the time and expense associated with obtaining approval of these forms from OSHA.

III. Regulatory Impact Assessment

The proposed revocation of § 1915.97(c), and adoption of § 1910.1200 is not a "Major" action as defined by Executive Order No. 12291 (46 FR 13193, February 19, 1981) as it will not have an annual effect on the economy of \$100 million or more, cause major increase in costs or prices, or have any other significant adverse effects. This change would not constitute a "major rule" primarily because no additional requirements will be imposed on industry and it would relieve current regulatory burdens by deleting the requirement for shipyard employers to use a specific OSHA approved form for their Material Safety Data Sheets.

For the same reason, OSHA certifies that pursuant to the provisions of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601) the proposed action will not have a significant economic impact on a substantial number of small entities.

IV. Environmental Assessment

This proposed rule has been reviewed in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (62 U.S.C. 4321, et seq.), the Guidelines of the Council on Environmental Quality (CEQ) (40 CFR Part 1500), and DOL's NEPA Procedures (29 CFR Part II). As a result of this review, OSHA has determined that the proposed rule will have no significant environmental impact.

Because this action does not change the substance of the OSHA standard and is intended to simplify current procedures, there is no impact on air, water or soil quality, plant or animal life, the use of land or other aspects of the environment.

V. Public Participation

Interested persons are requested to submit written data, views and arguments concerning this proposal.

These comments must be postmarked by July 15, 1986, and submitted in quadruplicate to the Docket Officer, Docket No. S-001, Room N-3670, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Written submissions must clearly identify the specific provisions of the proposal which are addressed, and specific recommendations are encouraged on each issue raised by the proposal.

All data received within the specified comment period will be made a part of the record. Data, views and arguments that are submitted will be available for public inspection and copying at the above Docket Office address.

Additionally, under section 6(b)(3) of the OSHA Act and 29 CFR 1911.11 interested persons may file objections to the proposal and request an informal hearing. The objections and hearing requests should be submitted in quadruplicate to the Docket Office at the above address and must comply with the following conditions:

1. The objection must include the name and address of the objector;
2. The objections must be postmarked by July 15, 1986;
3. The objections must specify with particularity the provisions of the proposed rule to which objection is taken and must state the grounds therefor;
4. Each objection must be separately stated and numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

IV. State Plan Standards

Those of the 25 states with their own OSHA-approved occupational safety and health plans whose plans cover the issues of maritime safety and health must revise their existing standard within six months of the publication date of the final standard or show OSHA why there is no need for action, e.g., because an existing State standard covering this area is already "at least as effective" as the revised Federal standard. Currently five States (California, Minnesota, Oregon, Vermont and Washington) with their own State plans cover private sector on-shore maritime activities. Federal OSHA enforces maritime standards offshore in all States and provides onshore coverage of maritime activities in Federal OSHA States and in the following State plan States: Alaska, Arizona, Connecticut¹, Hawaii, Indiana,

¹ Plan covers only State and local government employees.

Iowa, Kentucky, Maryland, Michigan, Nevada, New Mexico, New York,¹ North Carolina, Puerto Rico, South Carolina, Tennessee, Utah, Virginia, Virgin Islands and Wyoming. (All States with State plans must also extend coverage to States and local government employees engaged in maritime activities.)

List of Subjects in 29 CFR Part 1915

Maritime, Shipyard, Marine chemist, Occupational Safety and Health, Safety.

VII. Authority.

This document was prepared under the direction of Patrick R. Tyson, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, under sections 4 (b)(2), 6(b), and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1599, 29 U.S.C. 653, 655, 657) and section 41 of the Longshoremen's and Harborworkers' Compensation Act (44 Stat. 1444 as amended; 33 U.S.C. 941, 5 U.S.C. 553), Secretary of Labor's Order No. 9-83 (48 FR 35736) and 29 CFR Part 1911, 29 CFR Part 1915 is proposed to be amended, as set forth below.

Signed at Washington, DC, this 7th day of May, 1986.

David C. Zeigler,

Acting Assistant Secretary of Labor.

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

It is proposed to amend 29 CFR Part 1915 as follows:

1. The authority citation for Part 1915 would be revised to read as follows:

Authority. Secs. 4, 6, and 8 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 653, 655, 657; Sec. 41, Longshoremen's and Harborworkers' Compensation Act, 33 U.S.C. 941; Secretary of Labor's Order Nos. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

Section 1915.97 Introductory text and paragraphs (c) and (j) also issued under 5 U.S.C. 553 and 29 CFR Part 1911.

2. Section 1915.97 would be amended by revising the introductory text, and paragraph (c); and by adding a new paragraph (j), as follows:

§ 1915.97 Health and sanitation.

The provisions of this section shall apply to ship repairing, shipbuilding and shipbreaking, except where indicated otherwise. Effective May 25, 1986, paragraphs (a), (b), (c), and (d) of this

section shall no longer apply to shipbuilding and ship repairing but shall apply only to shipbreaking.

(c) The pertinent information required by paragraph (b) of this section shall be kept in any form that is readily accessible to employees that may be exposed to the hazardous chemicals or materials.

(j) Effective May 26, 1986, 29 CFR 1910.1200 entitled "Hazard Communication" shall apply to shipbuilding and ship repairing.

[FR Doc. 86-10862 Filed 5-15-86; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 85-76]

Drawbridge Operation Regulations; Passaic River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Bergen County, the Coast Guard is considering a change to the regulations governing the Union Avenue drawbridge across the Passaic River, mile 13.2, Rutherford, NJ by requiring at least eight hours advance notice be given for openings from 4 p.m. to midnight daily in addition to the existing eight hours notice from midnight to 8 a.m. Consideration is also being given to permitting advance notice all day on Christmas and New Years. This proposal is being made because of a steady decrease in requests for openings of the draw during the requested time period. This action should relieve the bridge owner of the burden of having two persons constantly available to open the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 30, 1986.

ADDRESSES: Comments should be mailed to Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004. The comments and other materials referenced in this notice will be available for inspection and copying at this address. Normal office hours are between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668-7994.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District will evaluate all communications received and will determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Jose M. Arca Jr. project officer, and Mary Ann Arisman, project attorney.

Discussion of Proposed Regulations

The Douglas O. Mead (Union Avenue) bridge over the Passaic River at mile 13.2 facilitates the movement of land traffic between Rutherford and Passaic. The Passaic River upstream of Union Avenue bridge has one active oil facility. The bridge provides a vertical clearance of 13 feet above Mean High Water and 18 feet above Mean Low Water. The bridge presently requires two men to safely operate the bridge. Current regulations provide that the drawbridge, shall open on signal, except that, from midnight to 8 a.m., the draw shall open on signal if at least eight hours notice is given. The proposed regulation would expand the eight hours notice period to commence at 4 p.m. daily and end at 8 a.m. and would place the bridge on advance notice all day on Christmas and New Year day.

The County intends to maintain one man on duty as a watchman and to receive notifications between 4 p.m. and 8 a.m. except Christmas and New Years day. Between 4 p.m. and 12 midnight the bridge was opened only 40 times in 1984, 42 times in 1983, 6 times in 1982 and 13 times in 1981 and 28 times in 1980.

Bergen County by resolution passed on 21 October 1981, has renamed the Union Avenue bridge to Douglas O. Mead bridge as part of a program to

honor Bergen County war veterans who gave their life for their country. The bridge was officially dedicated the Douglas O. Mead bridge on 2 November 1981.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The proposed change in the regulation would not prevent mariners from transiting the bridge when needed. However, between 4 p.m. and 8 a.m. eight hours advance notice would normally be required. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATIONS REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.739 (1) is proposed to be revised as follows:

§ 117.739 Passaic River

(1) The draw of the Douglas O. Mead (Union Avenue) Bridge at Rutherford, mile 13.2, shall open on signal, except that: (1) From 4 p.m. to 8 a.m., the draw shall open if at least eight hours notice is given.

(2) On Christmas and New Years day, the draw shall open if notice is given prior to 4 p.m. the day prior.

Dated: May 1, 1986.

P.A. Yost,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 86-11016 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

Sale and Disposal of Timber; Timber Export and Substitution

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal revises the reporting requirements at 36 CFR 223.48 on the export of timber from National Forest System lands and the use of such timber to substitute for private timber exported by the purchaser. The proposed rule would change the report to an annual report of the timber exported, sold for export, exchanged or otherwise disposed of during the previous calendar year. The intended effect of the rule is to reduce the paperwork burden on purchasers of National Forest timber sales while maintaining appropriate controls on log exports.

DATE: Comments must be received by June 30, 1986.

ADDRESSES: Send written comments to R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

The public may inspect comments received on this proposed rule in the office of the Director, Timber Management Staff, Room 3207, South Building, 14th and Independence SW, Washington, D.C., between the hours of 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Stephen J. Paulson, Timber Management Staff, (202) 475-3755.

SUPPLEMENTARY INFORMATION:

Background

In response to concerns about possible increases in third party substitution of National Forest timber for private timber which is exported, the Senate Subcommittee on Interior and Related Agencies Appropriations directed the Forest Service to report every 6 months on trends in log exports and substitution. In order to provide this information, the Forest Service requires purchasers of National Forest timber to report every 6 months on the disposition of harvested timber. (36 CFR 223.48)

On July 25, 1983, the Chairman of the Senate Committee on Appropriations and the Chairman of the Subcommittee on Interior and Related Agencies requested the United States General Accounting Office to review the potential impacts of tightening Forest Service log export restrictions in the West. On January 28, 1985, GAO

reported its findings and concluded that there was no significant amount of third party substitution occurring in the western United States and that tightened controls were unnecessary.

Concerned about burdening purchasers with the 6-month reporting requirements, the Forest Service subsequently requested that the Subcommittee change the reporting frequency to an annual report. In light of the GAO finding and Forest Service analysis of past years' reports, the Subcommittee agreed to the Forest Service request.

This rulemaking action would not change the requirement that purchasers domestically process National Forest System timber or change the requirement for certification of domestic processing from other firms or individuals that receive unprocessed National Forest System timber. Under the proposed rule, purchasers would be required to submit an annual certified report, for the previous calendar year, on the disposition of unprocessed timber from National Forests which is sold, exchanged, or otherwise disposed of to another party and report the sale of any timber from private lands owned or controlled by the purchaser which is exported or sold for export.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12291. It has been determined that this regulation is not a major rule. The regulation will have little or no effect on the economy or on individuals since the regulation is essentially procedural. The changes will result in savings to the Forest Service and purchasers of National Forest timber sales, mostly by reducing the cost to prepare, submit, and review Export and Substitution reports.

Based on both past experience and environmental assessment, this proposed rule will have no significant effect on the human environment, individually or cumulatively. Therefore, it has been categorically excluded from documentation in an environmental analysis or an environmental impact statement. (40 CFR 1508.4)

Controlling Paperwork Burdens on the Public

Under this proposed rule, individuals and firms who purchase National Forest timber sales would be required to submit reports annually rather than every 6 months. Therefore, the proposed rule would reduce the information collection requirements as defined in Office of Management and Budget (OMB) regulations at 5 CFR 1320.7. The

present annual report has OMB approval for use through March 31, 1987.

List of Subjects in 36 CFR Part 223

Exports, Government contracts, National forests, timber.

Therefore, for the reasons set forth above, Part 223 of Chapter II, Title 36, of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 223 would continue to read:

Authority: Sec. 14, Pub. L. 94-588, 90 Stat. 2958, 16 U.S.C. 472a.

2. Revise paragraphs (a) and (b) of § 223.48 to read as follows:

§ 223.48 Reports on export or substitution of unprocessed timber.

(a) Submit annually, until all unprocessed timber is accounted for, a certified report on the disposition of any unprocessed timber harvested from the sale, including a description of unprocessed timber which is sold, exchanged, or otherwise disposed of to another person and a description of the relationship with the other person;

(b) Submit annually, until all unprocessed timber from the sale is accounted for, a certified report, on the sale of any unprocessed timber from private lands in the tributary area which is exported or sold for export; and

§§ 223.48 and 223.164 [Amended]

3. Remove the editorial note on Office of Management and Budget approval of report #0596-0021 that occurs at the end of § 223.164, and add an editorial note at the end of § 223.48 to read as follows:

Note.—The information collection requirements in the section have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and 5 CFR 1320. They have been assigned #0596-0021 and are approved for use through March 31, 1987.

Dated: April 23, 1986.

Peter C. Myers,
Assistant Secretary

[FR Doc. 86-11050 Filed 5-15-86; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 21

Vocational Rehabilitation and Education; Changes in the Levels of Review for Authorization of Expenditures for Training and Rehabilitation Services

AGENCY: Veterans Administration.

ACTION: Proposed regulatory amendment.

SUMMARY: It is proposed to amend § 21.430 to update the amounts that determine which VA staff may approve training and rehabilitation services. This amendment is based upon cost increases since present levels were established and administrative experience with these provisions.

DATE: Comments must be received on or before June 17, 1986. It is proposed to make this amendment effective the date of final publication in the *Federal Register*.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes to the Administrator of Veterans Affairs, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection only in room 132, Veterans Service Unit, at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Boise, (202) 389-2886.

SUPPLEMENTARY INFORMATION: Under the provisions of § 21.430 specific limitations are established in the VA staff's authority to approve expenditures for training and rehabilitation services under chapter 31 during each calendar year of the veteran's rehabilitation program. These approval levels limit the authority of VA staff to approve expenditures, not the amount which may be authorized in the individual case. Increases in the cost of training and rehabilitation services since December 1981, when existing guidelines were promulgated, have resulted in an increase in the number of cases which must be reviewed by the VR&C (Vocational Rehabilitation and Counseling) Officer and by the Director of the field facility. The proposed amendment in authority for case managers and VR&C Officers is necessary to restore a proper balance in the proportion of cases reviewed at higher levels. The amendment will reduce unnecessary multiple reviews and allow staff to focus on those cases in which such review is desirable.

The proposal will not have a \$100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant adverse effects on the economy.

The Administrator certifies that this

proposed amendment will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (FRA), U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this proposed amendment is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the proposed amendment concerns the VA staff levels at which expenditures for training and rehabilitation services must be approved. Thus, no regulatory burdens are imposed on small entities by these regulations.

The Catalog of Federal Domestic Assistance Number is 64.116.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 23, 1986.

Thomas K. Turnage,
Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

38 CFR Part 21, is amended by revising § 21.430, paragraph (c)(1), (2) and (3) to read as follows:

§ 21.430 Accountability for authorization and payment of training and rehabilitation services.

(c) Limitations. * * *

(1) The DVB case manager may not authorize payment or program costs which will exceed \$3,200 per year. If program costs for a year exceed \$3,200, additional concurrence is required as specified in paragraph (c)(2) through (4) of this section;

(2) Program costs which will be greater than \$3,200 but not more than \$9,500 per year, may be approved by the vocational and Rehabilitation Counseling Officer;

(3) Program costs which will be greater than \$9,500 per year, but not more than \$15,000 per year, may be approved by the Director, VA Regional Office; and

(38 U.S.C. 1515(a)(4))

[FR Doc. 86-11079 Filed 5-15-86; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21

Vocational Rehabilitation; Disposition of Cases in Which Potentially Eligible Veterans Do Not Initiate or Pursue a Claim**AGENCY:** Veterans Administration.**ACTION:** Proposed regulatory amendment.

SUMMARY: In the present rules the VA has established procedures governing the administrative actions to be taken when service-disabled veterans fail to pursue a claim for vocational rehabilitation services or to continue to pursue a vocational rehabilitation program for which services have been authorized. The procedures include followup by VA staff when a veteran does not initiate or continue the rehabilitation process. The proposed amendments would improve the administration of provisions for followup action by VA staff.

DATES: Comments must be received on or before June 17, 1986. It is proposed to make these amendments effective the date of final publication in the Federal Register.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Service Unit, room 132 of the above address between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Boies, (202) 389-2886.

SUPPLEMENTARY INFORMATION: Sections 21.180 through 21.198 establish a case status system. The case status system enables the VA to monitor the veteran's progress through the rehabilitation process and provides information needed for program management.

An ambiguity in the rules for the disposition of cases in applicant status (§ 21.182) has caused unnecessary expenditure of staff time to dispose of cases in which a veteran does not initiate or pursue a claim. Those cases in which the veteran has either filed a formal or informal claim for chapter 31 benefits or has been advised that he or she may be eligible for such benefit, and has been encouraged to apply are assigned to applicant status. Under present provisions, the case status system provides for disposition of cases in the applicant status, when

appropriate, through placement in interrupted status and, later, discontinued status. Assignment of a case to either interrupted or discontinued status requires followup procedures to assure that efforts are made to resolve problems which caused transfer to these statuses before terminating further attempts to secure the veteran's participation in the chapter 31 program.

However, the followup provisions in interrupted and discontinued status are not needed when a veteran is assigned to either such status from the applicant status because the applicant status procedures already provide for such followup before the case is reassigned to one of the other statuses.

We propose to amend current regulations to provide for direct assignment of cases from applicant to discontinued status if the veteran does not apply for chapter 31 benefits or fails to pursue a chapter 31 claim. The followup procedures required for other cases assigned to discontinued status would not apply to cases transferred from applicant status and the extra step of assignment to interrupted status would be eliminated.

In all other respects a case assigned to discontinued status will be handled in the same manner as other cases assigned to that status. These amendments will reduce the administrative burden resulting from current policies.

These proposed amendments do not meet the criteria for major rules as contained in Executive Order 12291, Federal Regulation. The proposal will not have a \$100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have other significant adverse effects on the economy.

The Administrator certifies that these proposed amendments will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these proposed amendments are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the proposed amendments concern the rights and responsibilities of individual VA beneficiaries under chapter 31. Thus, no regulatory burdens are imposed on small entities by these amendments.

The Catalog of Federal Domestic Assistance Number is 64.116.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: April 24, 1986.
Thomas K. Turnage,
Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

38 CFR Part 21, is amended to read as follows:

1. In § 21.62, paragraph (b)(4) is revised to read as follows:

§ 21.62 Duties of the Vocational Rehabilitation Panel.

* * * * *

(b) *Consultation required.* * * *
(4) *Discontinuance.* The panel shall review any case in which discontinuance is being considered for a veteran with a service-connected disability rated 50 percent or more disabling, except cases reassigned to "discontinued" status following termination of "applicant" status. (38 U.S.C. 1504(a))

* * * * *

2. In § 21.182, paragraph (d) is added to read as follows:

§ 21.182 "Applicant" status.

* * * * *

(d) *Transfer of terminated cases to "discontinued" status.* Each instance in which a veteran's case is terminated for reasons described in paragraph (c) (4) or (5) of this section shall be placed in "discontinued" status. (38 U.S.C. 1502)

3. In § 21.197, paragraph (c)(1) and (c)(4) are revised to read as follows:

§ 21.197 "Interrupted" status.

* * * * *

(c) *Reasons for assignment to "interrupted" status.* A veteran's case may be interrupted and assigned to "interrupted" status for reasons including but not limited to the following:

(1) *Veteran does not initiate or continue rehabilitation process.* If a veteran does not begin or continue the rehabilitation process, the veteran's case will be interrupted and assigned to "interrupted" status, including:

- (i) A case in "evaluation and planning" status;
- (ii) A case in "extended evaluation" status;
- (iii) A case in "rehabilitation to the point of employability" status;
- (iv) A case in "independent living program" status; or

(v) A case in "employment services" status.

(4) *Prior to assignment to "discontinued" status.* A veteran's case shall be assigned to "interrupted" status prior to discontinuance and assignment to "discontinued" status in all cases except as provided in § 21.182(d) and upon the veteran's death. The purpose of assignment to "interrupted" status is to assure that all appropriate actions have been taken to help the veteran continue in his or her program before discontinuing benefits and services.

(38 U.S.C. 1511)

4. In § 21.198, the introductory text of paragraph (d) is revised to read as follows:

§ 21.198 "Discontinued" status.

(d) *Followup of cases placed in "discontinued" status.* The VA shall establish appropriate procedures to followup on cases which have been placed in "discontinued" status, except in those cases reassigned from "applicant" status. The purpose of such followup is to determine if:

(38 U.S.C. 1507)

[FR Doc. 86-11080 Filed 5-15-86; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 265

Amendments to Freedom of Information Act Regulations

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The purpose of this document is to publish advance notice of proposed changes to Postal Service regulations governing the waiver of fees. The proposed regulations increase the amount for which a general waiver of fees may be granted and extend the authority of the custodian to grant waivers of fees, or the requirement for their advance payment, in any amount.

DATE: Comments must be received on or before June 15, 1986.

ADDRESS: Written comments should be addressed to the Records Officer, Room 8121, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5010. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 8121 at the above address.

FOR FURTHER INFORMATION CONTACT: Betty E. Sheriff, Records Office, (202) 245-5158.

SUPPLEMENTARY INFORMATION: Section 265.8(e)(5) authorizes a general waiver of fees for a request or series of related requests amounting to less than \$3.00. It is proposed that this amount be increased to comport with § 265.8(b)(1) which, in effect, grants a waiver of search fees in an amount greater than \$3.00. (This section provides that the established fee of \$4.25 per quarter hour for clerical search time not be charged if the search involves no more than one quarter hour.) Further, the administrative costs to process a check precludes charging for a request involving a fee in an amount of less than \$10.00. For these reasons, it is proposed that the general fee waiver provision at § 265.8(e)(5) be amended to apply to requests amounting to \$10.00 or less.

The authority of a custodian to waive a fee, or the requirement of its advance payment, is limited to apply to fees of less than \$25.00. Fees in excess of that amount may only be waived by the General Counsel or other Officer of the Postal Service. The Postal Service has approximately 30,000 facilities nationwide at which requests for information may be received, but only about 30 officers, most of whom are centrally located. In this circumstance, the current requirement that a custodian obtain authorization from an officer to waive fees in excess of \$25.00 has been found to be impractical and costly, and to cause undue delays in the processing of requests. Proposed § 265.8(e)(6) eliminates the \$25.00 limitation and gives custodians the authority to waive a fee in any amount and to waive the requirement for advance payment of fees.

Accordingly, §§ 265.8(e)(5) and 265.8(e)(6) of 39 CFR 265 are modified as follows:

List of Subjects in 39 CFR Part 265

Release of Information; Postal Service.

PART 265—RELEASE OF INFORMATION

1. The authority citation for Part 265 continues to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552.

2. In § 265.8, paragraphs (e)(5) and (e)(6) are revised to read as follows:

§ 265.8 Schedule of fees.

(e) *Payment and waiver of fees—*

(5) *Fees not charged for certain services.* Fees must not be charged if

they would amount, in the aggregate, for a request or a series of related requests, to \$10.00 or less. This general waiver does not apply to the fee for providing change of address information.

(6) *Waiver of fees by custodian.* The custodian may waive a fee, in whole or in part, or the requirement for advance payment of such a fee, when he determines that furnishing the records is primarily for the benefit of the general public.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 86-11096 Filed 5-15-86; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

(BERC-258-P)

42 CFR Parts 405, 409, and 442

Medicare and Medicaid Programs; Benefit Period Determinations, Drug Regimen Reviews and Other Technical Changes

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: Under the Hospital Insurance Program (Medicare-Part A), payment for covered inpatient hospital and skilled nursing facility (SNF) services is available for a limited number of days during each benefit period or "spell of illness." Current Medicare regulations reflect the statutory provision under section 1861(a) of the Social Security Act (Act) that a beneficiary's benefit period begins on the day he or she is furnished hospital or SNF services and ends when he or she has not been an inpatient of a hospital or SNF (as defined under sections 1861 (e)(1) and (j)(1) of the Act, respectively) for 60 consecutive days.

We propose to amend our regulations to: (1) Specify that a beneficiary is an "inpatient" of a SNF and is therefore prolonging a spell of illness in a SNF only if the care received by the beneficiary meets skilled level of care conditions and (2) establish certain presumptions for determining when skilled level of care conditions have been met during a SNF stay. We are also proposing a miscellaneous provision that would permit either a registered nurse or a pharmacist to perform drug regimen reviews in SNF's or intermediate care facilities (ICF's). In addition, we would amend § 405.702 of

the regulations to remove certain cross-references that are now outdated and unnecessary.

DATE: To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on June 16, 1986.

ADDRESS: Mail comments in writing to the following address:

Health Care Financing Administration,
U.S. Department of Health and
Human Services, Attention: BERC-
258-P, P.O. Box 26676, Baltimore,
Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey
Building, 200 Independence Ave., SW,
Washington, D.C.; or

Room 132, East High Rise Building, 6325
Security Boulevard, Baltimore,
Maryland.

In commenting, please refer to file code BERC-258-P. Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309-G of the Department's offices at 200 Independence Avenue, SW, Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m., phone (202) 245-7890.

FOR FURTHER INFORMATION CONTACT:

Thomas Hoyer (Benefit Period
Determinations and Drug Regimen
Reviews), (301) 594-9446.
Luisa Iglesias (Other Technical
Changes), (202) 245-0383.

SUPPLEMENTARY INFORMATION:

I. Statutory Background

Under the Hospital Insurance Program (Medicare-Part A), payment for covered inpatient hospital and SNF services is available for a limited number of days during each "spell of illness" or benefit period. (Payment is subject to applicable deductible and coinsurance amounts as set forth in section 1813(a) of the Social Security Act (Act).) Once a beneficiary has exhausted that allotted number of days (up to 150 days for inpatient hospital care if the 60 lifetime reserve days are used and 100 days for SNF care), no further Part A program payment is available for those services until the beneficiary ends that benefit period and begins a new one (section 1812(a) of the Act).

Under section 1861(a)(1) of the Act, a beneficiary's "spell of illness" begins on the day he or she is furnished inpatient hospital or SNF services and, under section 1861(a)(2) of the Act, ends when he or she has not been an inpatient of a

hospital or SNF for 60 consecutive days. The law does not limit the number of benefit periods an individual may have, provided each prior period has ended.

The material following section 1861(j)(15) of the Act specified that for purposes of determining when a benefit period ends under section 1861(a)(2), a SNF is defined by section 1861(j)(1) of the Act. This latter provision defines a SNF as a facility which—

is primarily engaged in providing to inpatients

(A) skilled nursing care and related services for patients who require medical medical or nursing care; or

(B) rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

Also, the material following section 1861(e)(9) of the Act specifies that for purposes of section 1861(a)(2), a hospital is any institution which meets the requirements of section 1861(e)(1) of the Act. Basically, that latter provision defines a hospital as an institution primarily engaged in providing to inpatients diagnostic and therapeutic services, or rehabilitation services.

Therefore, under the law, the application of the terms "SNF" and "hospital" for purposes of ending a benefit period is not limited to facilities which participate, but have chosen not to participate. Any facility meeting the broad definition of hospital of SNF is considered a hospital or SNF, as appropriate, in relation to a benefit period.

II. Program Experience

The term "hospital" as used in section 1861(e) of the Act and State licensure laws has a generally accepted meaning that has seldom been questioned. However, unlike the term "hospital," the various categories of nursing and rehabilitation facilities do not have commonly accepted meanings. Accordingly, in 1967, we developed criteria to be used to assess whether a facility meets the definition of a SNF under section 1861(j)(1) of the Act and, therefore, would be of a type in which a continued stay would prolong a beneficiary's benefit period. These criteria were published in section 3412 of the Medicare "State Operations Manual" and in the *Federal Register* as a Notice of HCFA Ruling (HCFA 83-2) December 3, 1982 (47 FR 54551). In response to a recent court decision (*Kron v. Heckler*, Civil Action Number 80-1332 (E.D. Louisiana, October 17, 1983)), the criteria were amended to exclude, for benefit period determinations, facilities licensed or certified solely as ICF's from status as SNF's under section 1861(j)(1) of the Act.

The amended criteria, for benefit period determinations, were published in HCFA Ruling 83-3 (March 22, 1984, 49 FR 10710).

The Medicare program has continually maintained that it is the type of facility in which a beneficiary resides rather than the care he or she receives that determines whether or not a benefit period has ended. This meant that if a beneficiary was in a hospital meeting the section 1861(e)(1) definition or in a SNF meeting the section 1861(j)(1) definition, the beneficiary was considered an "inpatient" of those facilities for purposes of benefit period determinations, regardless of the level of care actually received by the beneficiary.

We believe that this is the interpretation intended by Congress. In 1967, Congress had already become aware that some beneficiaries who resided in long-term care facilities were exhausting their entitlement to hospital days due to the continuation of their benefit periods. Rather than challenge the Department's interpretation of the statute, Congress altered the statute to provide an additional 60 "lifetime reserve days" under the Part A benefit to alleviate the problems faced by such individuals. (S. Rep. No. 744, 90th Cong., 1st Sess. 70 (1967).)

Some federal district courts have supported the Department's view. See *Stoner v. Califano*, 458 F. Supp. 781 (E.D. Mich. 1978) and *Brown v. Richardson*, 367 F. Supp. 377 (W.D. Pa. 1973). However, four federal circuit courts have concluded that the type of care provided to the beneficiary in a SNF should affect the ending of benefit periods. See *Mayburg v. Heckler*, 740 F.2d 100 (1st Cir. 1984), *Levi v. Heckler*, 736 F.2d 848 (2nd Cir. 1984), *Friedberg v. Schweiker*, 721 F.2d 445 (3rd Cir. 1983), and *Kaufman v. Harris*, 731 F.2d 370 (6th Cir. 1984).

In general, the latter decisions have concluded that, contrary to current Medicare policy, a beneficiary can be an "inpatient" of a SNF for purposes of benefit period determinations only if the beneficiary is receiving a skilled level of care. In view of these court decisions, we are proposing in this regulation to provide that a beneficiary's care in a SNF must meet the Medicare skilled level of care requirements in order for the beneficiary to be considered an "inpatient" of a SNF. This would make our treatment of all beneficiaries consistent with the manner in which benefit period determinations are now being made, pursuant to court order, in the 1st, 2nd, 3rd and 6th federal judicial circuits.

The result of the change being proposed is that in order for a stay in a facility to prolong a benefit period, the beneficiary must be *both* in a facility which is a SNF, as defined in section 1861(j)(1) of the Act, and receiving a skilled level of care. If, for at least 60 consecutive days, either one of those elements is not met, a benefit period will terminate during the beneficiary's stay.

III. Provisions of the Regulation

A. Skilled Level of Care Requirement

These proposed regulations would not affect the current definitions of "hospital" as used in section 1861(e)(1) and "SNF" as used in section 1861(j)(1). HCFA Rulings 83-2 and 83-3 would remain in effect.

However, we are proposing to amend § 409.60 of the regulations to specify that for purposes of ending a benefit period, a beneficiary is an "inpatient" of a SNF only if the beneficiary's care in the SNF meets the skilled level of care requirements contained in § 409.31(b)(1) and (3) of current regulations. These requirements are part of those used to determine whether or not Medicare payment may be made for care in a SNF. Section 409.31(b)(1) provides that the beneficiary must require skilled services on a daily basis and § 409.31(b)(3) provides that the daily skilled services must be ones that, as a practical matter, can only be provided in a SNF on an inpatient basis. This means that a beneficiary is an "inpatient" of a SNF only if the beneficiary receives skilled nursing or rehabilitation services (already defined in regulations at § 409.31(a), and further delineated in §§ 409.32 and 409.33) that he or she requires on a daily basis (§ 409.34) and that, as a practical matter, can only be provided on an inpatient basis (§ 409.35). Therefore, if a beneficiary in a SNF receives daily skilled services but does not actually need them on a daily basis, or if a beneficiary receives skilled services which would normally not be performed on an inpatient basis, the beneficiary is not at a skilled level of care and the portion of the SNF stay that is not at the skilled level of care would not prolong a benefit period. In summary, to prolong a benefit period in a SNF, the beneficiary must need and receive daily skilled services that, as a practical matter, can only be provided on an inpatient basis.

We adopted this approach because it assists a beneficiary in terminating a benefit period more easily and because a number of federal courts have suggested that as soon as a patient's level of care below the skilled level of care for which Medicare SNF payment

could be made, the patient is no longer receiving skilled services for purposes of maintaining inpatient status for benefit period determinations. (See, for example, *Levine v. Secretary*, 529 F.Supp. 333 (W.D. N.Y. 1981); *Hasek v. Mathews*, CCH Medicare and Medicaid Guide 1977 Transfer Binder 28,345 (N.D. Cal. 1977); and *Levi v. Heckler*, 575 F.Supp. 1381 (S.D. N.Y. 1983).)

We would not apply the level of care requirement contained in 42 CFR 409.31(b)(2) for purposes of determining "inpatient" status during prior SNF stays for benefit period determinations. That provision provides that, in order for Medicare payment to be made for SNF care, the services must have been furnished to treat a condition for which the patient also received inpatient hospital services or a condition which arose while the patient was receiving such treatment. This aspect of the Medicare skilled level of care definition is related to the circumstances under which the level of care triggers a benefit payment rather than the nature of the care itself. Therefore, we are not including this provision in benefit period determinations.

B. Presumptions in Applying the Level of Care Requirements

1. General

We are proposing to establish seven presumptions to aid in administering the proposal that a beneficiary can be considered an "inpatient" of a SNF only if he or she is receiving a skilled level of care. Those seven presumptions are intended to cover every situation concerning a beneficiary's prior stay in a SNF, so that in all cases, the presumptions can serve to characterize (at least initially) the level of care status of a prior SNF stay. We expect them to minimize the administrative burden associated with making these new level of care determinations as they apply to benefit period determinations and to benefit beneficiaries by expediting these determinations.

Four of the presumptions are based on prior claims determinations that, if correct, would leave no doubt as to whether skilled care was provided. Three of the presumptions are based on prior claims determinations that may be subject to differing interpretations.

2. Presumptions Entirely Based Upon the Accuracy of Prior Claims Determinations

The four presumptions set forth in the proposed § 409.60(c)(1) are based on prior claims payment determinations that, if correct, leave no doubt as to whether skilled care was or was not

provided. As set forth in the proposed § 409.60(c)(3), the benefit period determinations resulting from those presumptions can only be changed if the beneficiary successfully appeals the prior claims determination upon which the presumption is based. Those four presumptions are that for purposes of determining whether a beneficiary has ended a benefit period—

(1) A beneficiary's care in a SNF met the skilled level of care requirements if Medicare or Medicaid made SNF benefit payments for that care (but not under Medicare limitation of liability rules at § 405.330(a), under Medicare grace day rules at § 405.330(b), or under any State Medicaid rules providing for SNF payment for administratively necessary days (ANDs) not meeting the skilled level of care requirements);

(2) A beneficiary's care in a SNF met the skilled level of care requirements if a SNF claim was paid under section 1879(e) of the Social Security Act;

(3) A beneficiary's care in a SNF did not meet the skilled level of care requirements if Medicare payment was made for the SNF care under the limitation of liability rules at § 405.330(a) or the grace day rules at § 405.330(b); and

(4) A beneficiary's care in a SNF did not meet the skilled level of care requirements if a Medicaid SNF claim was denied on the grounds that the care was not at the SNF level of care (even if paid under any State Medicaid rules which provide for payment for ANDs not meeting the skilled level of care requirements).

Each of these presumptions is triggered by virtue of there having been a prior Medicare or Medicaid payment decision which required a level of care finding. Concerning presumption (1), consistent with both Medicare and Medicaid payment rules, if either program made SNF payment (but not under Medicare limitation of liability, Medicare grace day, or State Medicaid and rules), the skilled level of care requirements for a prior SNF stay had to have been met. That is, for Medicare payment to be made, the condition set forth in § 409.31(b) (1), (2) and (3) must have been met and, therefore, for benefit period purposes the skilled level of care requirements in § 409.31 (b)(1) and (b)(3) had to have been met. Also, for Medicaid, the requirement in § 409.31 (b)(1) and (b) (3) had to have been met because the Medicaid definition of skilled level of care set forth in § 440.40(a)(1)(i) is the same as that set forth at § 409.31(b) (1) and (3). Presumption 2 is established because section 1879(e) limitation of liability

payments, under current Medicare instructions (see Intermediary Manual sections 3431.3 and 3431.4) are made only when skilled level services were needed and provided, but were provided in a noncertified bed. Presumption 3 is established because Medicare limitation of liability and grace day payments made for skilled nursing facility care under § 405.330 can be made only when skilled level services were not needed or not provided. Finally, presumption 4 is established because a Medicaid SNF claim is denied on level of care grounds (including those paid under various State provisions not related to level of care) only if the skilled level of care standards applicable in these regulations (§§ 409.31(b)(1) and (3)) are not met. (Under certain State Medicaid provisions, Medicaid payment may be made for inpatient care which would not otherwise be payable under Medicaid solely on the basis of a patient's need for the level of care specified. This can include payment for care in a SNF which does not meet the skilled level of care requirements; for example, care while awaiting ICF placement). Therefore, binding presumptions are appropriate in these cases unless the earlier determination is reopened and revised. (Note that presumption (2) regarding care in noncertified SNF beds is pertinent only if the noncertified bed in which the patient was placed is in a part of the facility not certified or licensed solely as an ICF. If the beneficiary is placed in a noncertified bed in such an ICF distinct part, then, based on *Kron*, the ICF distinct part is excluded from status as a SNF under section 1861(j)(1) of the Act. Therefore, although the beneficiary received a skilled level of care as the presumption establishes, the benefit period would not be prolonged because to prolong a benefit period the beneficiary must be both in an 1861(j)(1) facility and receiving a skilled level of care.

Because these presumptions would be triggered by Medicare or Medicaid payment findings, beneficiaries may exercise their right to appeal a benefit period determination made as a result of them by timely appealing the claim determinations upon which the presumptions are based.

3. Other Presumptions

In the proposed 42 CFR 409.60(c)(2), we would establish three presumptions that can be challenged by the beneficiary because the prior claims determination may be subject to another interpretation with respect to the current benefit period determination. For purposes of determining whether a

beneficiary has ended a benefit period, we would presume that—

(5) A beneficiary's care in a SNF meets the skilled level of care requirements if a Medicare or Medicaid claim for the SNF care was denied on other than level of care grounds (for example, denied because the three day prior hospital stay requirement was not met);

(6) A beneficiary's care in a SNF did not meet the skilled level of care requirements if a Medicare SNF claim was denied on level of care grounds and payment was not made under limitation of liability or grace day rules at § 405.330; and

(7) A beneficiary's care in a SNF did not meet the skilled level of care requirements if no Medicare or Medicaid SNF claim was submitted for the SNF stay.

In each of these three presumptions, we have established the presumption to reflect the circumstances that we believe to be the most likely to have occurred in the case. Under each presumption, however, another outcome is possible and, for that reason, beneficiaries would be allowed to present documentation (for example, medical records and statements of physicians and nurses regarding the services needed and received) to challenge the presumption.

As set forth in proposed § 409.60(c)(4), when these presumptions are applicable, Medicare beneficiaries would (in the context of the initial Medicare determination of the current claim) be advised of their opportunity to rebut the presumptions regarding any prior SNF stays. This notification would be included in the form HCFA-1954 or 1955 (when there has been an initial determination of total or partial payment denial by Medicare for the current claim) or in a separate special notice from the fiscal intermediary (to be sent prior to the HCFA Form 1533, when there has been an initial determination to make full Medicare payment for the current claim). These appeals opportunities will exist in the context of appealing determinations, made under Title 42, Part 405, Subpart G, for the current claim (that is, the claim for which looking back at the status of the prior SNF stay can affect the beneficiary's benefit period status). In connection with the appeals opportunities set forth in proposed § 409.60(c)(4), we would amend § 405.704(b)(10) to make clear that initial determinations also include determinations made under the presumptions established under proposed § 409.60(c)(2).

Showings can be made by beneficiaries at the initial determination level or at the reconsideration, Administrative Law Judge (ALJ) or Appeals Council levels. Even in cases in which a Medicaid payment determination has triggered one of these three presumptions, it is the Medicare intermediary (or the ALJ or Appeals Council, as appropriate) that evaluates any showing made by the beneficiary, and that evaluation again occurs in the context of making determinations (under Title 42, Part 405, Subpart G) for the current claim.

With regard to certain of the three presumptions contained in proposed § 409.60(c)(2), certain observations should be made. Presumption 6 (that is, proposed § 409.60(c)(2)(ii)) can be reversed because the Medicare skilled level of care definition for coverage purposes differs from the skilled level of care definition used here for benefit period determinations. Specifically, the requirement in § 409.31(b)(2) (regarding the requirement for prior hospital care related to the SNF care) is included for meeting Medicare SNF coverage requirements for payment purposes, but has not been included in these regulations as a standard for benefit period determinations. Therefore, Medicare payment could have been denied for a prior SNF stay on level of care grounds (that is, no payment was made under the limitation of liability rules at § 405.330) because of noncompliance with § 409.31(b)(2), even though the skilled level of care requirements established under these regulations for benefit period determinations were in fact met by the prior SNF stay. Consequently, when there has been a Medicare SNF payment denial on level of care grounds the beneficiary must be given the opportunity to demonstrate that he or she still needed and received a skilled level of care as defined by §§ 409.31(b)(1) and (3) for purposes of benefit period determinations.

This issue does not arise when a Medicaid SNF claim has been denied on level of care grounds. That is because the Medicaid skilled level of care standard for SNF coverage is the same as our proposed skilled level of care standard for benefit period determinations. Therefore, when a Medicaid SNF claim is denied on level of care grounds, it can be absolutely presumed (if the prior claim payment determination was correct) that services at the skilled level of care were not provided. (See presumption 4.)

With regard to presumption 7, it may seem equally reasonable to presume

that a SNF inpatient received skilled care. However, *Mayburg* and other court decisions (upon which our proposed changes to regulations are based) support the opposite view; that is, that we may not presume that a beneficiary in a SNF received skilled care simply because he or she resided in a SNF. Making this presumption would end a benefit period for affected beneficiaries. In some cases, this would adversely affect beneficiaries who incurred another deductible as a result. However, in other cases, beneficiaries would be protected from exhausting their benefits. We believe that presumption 7, as we propose to establish it, would primarily affect private-pay long-term SNF patients, and that, for the most part, they are not receiving skilled care.

4. Treatment of "No Payment Bills"

Hospitals and SNFs that participate in Medicare must submit Part A bills for their Medicare inpatients for days of care for which no Medicare payment may be made. These bills are referred to as "no payment" bills submitted by the SNF where a prior stay has occurred will have the same effect as Medicare SNF claims which request payment. That is because such "no payment" bills result in Medicare program payment determinations (that is, denials) that trigger the applicable presumptions. This will also be the case in any State Medicaid program that utilizes "no payment" bills that lead to Medicaid program payment determinations (denials). When the intermediary finds that a SNF has erroneously failed to submit a Medicare claim (albeit a no-pay claim), the intermediary will request compliance with Medicare rules which require such claim submission. Once the no-pay bill is submitted and the Medicare denial is made regarding the prior SNF stay, the applicable presumption would be triggered, based on the nature of the denial. Presumption 7 (that is, § 409.60(c)(2)(iii)) would not apply.

5. Prior Stay Determinations—One Finding Only

Proposed 42 CFR 409.60(d) provides that the Medicare program will recognize only one level of care status finding (made under the Medicare or Medicaid programs) for any given day of care in a SNF. We do not want any given day of care in an SNF to have more than one status for purposes of Medicare payment. We believe that a day should not, for example, be considered as covered for one purpose and paid for under Medicare and then later considered as non-covered for purposes of establishing a new benefit

period. Therefore, this regulation requires that the status of any day of care in an SNF about which a program determination has already been made will also be the status of that day for purposes of a determination under this regulation. A beneficiary who desires to challenge the validity of an earlier determination in connection with an assertion about whether a new benefit period should or should not begin must first appeal that decision (subject to the applicable rules for reopening prior claims). This policy applies only to days of care to which a prior claims determination specifically applies, not to days before or after the period for which the determination was made.

This rule means that if, in the case of the three rebuttable presumptions, a determination regarding a prior SNF stay has already been made in the context of adjudicating another claim, an intermediary or ALJ would be bound by that earlier characterization of the prior SNF stay in adjudicating a current claim; that is, unless the beneficiary can demonstrate that the earlier characterization was erroneous. The result is that beneficiaries may wish to appeal earlier decisions regarding the type of care they received in a prior stay but, if HCFA reviews the determination and agrees, a payment adjustment in the prior claim would be made, if necessary, to reflect the revision made to that earlier determination.

6. Validation of Patient Records

We recognize that the use of presumptions does create an incentive for patients to represent the care they received in an SNF as unskilled or skilled, depending on whether beginning a new benefit period would benefit them. As we have noted elsewhere in this preamble, we intend these presumptions to be used for ease in administration but also plan to encourage intermediaries to review medical records when there is a basis for questioning the level of care alleged by the SNF or beneficiary.

IV. Effective Date

These regulations would become effective 30 days after the publication of a final rule. We are proposing that these regulations would be applied only to those claims for which determinations have not yet become final (under Part 405, Subpart G) on or after the effective date of the final rule.

When adjudicating a claim to which these regulations would apply, we would determine whether there has been any prior SNF stay in the beneficiary's current benefit period that would end the benefit period under

these regulations. We would examine any prior SNF stay in the beneficiary's current benefit period, regardless of whether or not the prior stay occurred immediately before the stay in the current claim. In all cases where these regulations would result in a prior SNF stay ending a benefit period, the new benefit period would begin with the stay for which the current claim, that is, the claim that has not yet become final, was filed.

V. Regulatory Impact Statement

A. Introduction

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any major rule. A major rule includes any proposed regulation that would have an annual effect on the economy of \$100 million or more; cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) we also prepare and publish an initial regulatory flexibility analysis for any proposed regulation that would have a significant impact on a substantial number of small entities. A small entity is a small business, a nonprofit enterprise, or a government jurisdiction (such as a county or township) with a population of less than 50,000.

The proposals on drug regimen reviews discussed in section VI., below, and the proposed technical changes discussed in section VII., would not have a significant effect on Medicare or Medicaid program expenditures or on State or provider operations. However, our proposals on benefit period determinations would have some significant effects. Although we do not believe that those effects would be of such a magnitude as to require either a regulatory impact analysis or a regulatory flexibility analysis, it is clear from our program experience, as well as past judicial proceedings, that the consequences of following this proposal will be received with great interest and concern. Therefore, we have provided the following discussion of the expected impact of these proposals, in order to clarify our reasons for not preparing analyses under either E.O. 12291 or the RFA.

B. Benefit Period Determinations

As noted above in this preamble, we are proposing that for benefit period determinations a beneficiary's care in a SNF must meet certain skilled level of care requirements in order for the beneficiary to be considered an "inpatient" of the SNF.

We anticipate that implementation of this proposal on a nation-wide basis could generate certain costs and savings to the Medicare and Medicaid programs, improvements in the administration of State long-term care programs, and advantages and disadvantages to some beneficiaries.

Budget Impact

We estimate a final net annual budget impact of \$10 million in Medicare costs. This impact reflects increased Medicare net costs offset by Medicaid savings, as follows:

(In million of dollars)

Medicare cost	Medicare savings	Net Medicare cost	Medicaid savings	Final net cost
\$50	-\$35	\$15	-\$5	\$10

The Medicare costs represent an expected increase in benefit payments while the Medicare savings reflect income received from new deductibles generated by those beneficiaries beginning new spells of illness under these regulations. Medicaid savings would result from Medicare payment for services currently paid for by Medicaid for certain dually eligible beneficiaries. Thus, the net budget impact represents an increase in Medicare program expenditures to implement this change in our benefit period policies to accommodate the dictates of several federal court decisions.

Beneficiary Impact

In practice, the proposed regulation would affect different beneficiaries differently, depending on the specific circumstances of each beneficiary's situation. The proposed rule would make it easier for a beneficiary to end a benefit period and thereby begin a new one. For a beneficiary who has used enough inpatient hospital or SNF care to now be using copayment days, lifetime reserve days or be in "days exhausted" status, it would be beneficial to end one period and begin a new one. As a result of this proposed rule, these beneficiaries could start a new benefit period if they reside in a nursing home. This would generate more payment liability for the Medicare program and reduce the beneficiary's liability because the

beneficiary would not continue to pay a copayment or full charges amount.

On the other hand, the proposed rule would not be advantageous for a beneficiary who has not made extensive use of the inpatient hospital benefit. Such a beneficiary would have paid his or her required deductible when beginning the benefit period. As long as the beneficiary is in Medicare full payment days (that is, before copay days are triggered) it is to his or her advantage to have the current benefit period prolonged until the full-pay days are exhausted. Thus, the beneficiary would avoid paying another deductible for the full-pay Medicare days (that is, for covered care) to which the person is already entitled in becoming a hospital inpatient again. As a result of this proposed new rule, beneficiaries in this latter category who "reside" in a SNF (that is, do not receive skilled care) would be required to pay new deductibles if they become hospitalized. Under existing rules (in those areas of the country not under a Mayburg-type court order), those SNF stays would prolong a benefit period, and no deductible would be owed at the beginning of a new hospitalization.

Other Program Effects

We anticipate at least one other, less significant, outcome from the proposed change to our current benefit period policy. By providing States with incentives to implement the long-term care provisions of their Medicaid programs more efficiently, we believe that more proper level of care determinations for recipients would be made.

Under the proposed rule, Medicare will presume (in the case of beneficiaries entitled both to Medicare and Medicaid) that skilled care was needed and received if a State makes a Medicaid SNF payment for the care. As a result of that presumption, if Medicaid SNF payments are made for a beneficiary in a SNF, but who is not at the skilled level of care, the beneficiary is unable to end his Medicare benefit period. Thus, beneficiaries who are either in copay or exhausted status under the Medicare SNF or hospital inpatient benefit would receive either reduced or no Medicare payment for any inpatient SNF or hospital services needed subsequent to the non-skilled stay for which the State made Medicaid SNF payment, and Medicaid liability would continue.

The result is that for those beneficiaries who are also Medicaid-eligible, the State would become the liable payor for the cost of the services not paid for by Medicare. We believe

that this proposed rule would create a fiscal incentive to States to assure that the distinction between SNF and ICF care is properly made. This improvement, over time, should lead to more accurate SNF and ICF payment rates and more appropriate use of nursing home beds.

Summary

We conclude that the proposed change to our current policy regarding benefit period determinations would produce certain outcomes. These impacts would result from our conforming policies to the dictates of several circuit court decisions compelling us to make these changes in a significant number of States. These rules would make nationwide the provisions now applicable in those States covered by the court orders. We estimate a net increase in Medicare costs resulting from increased benefit payments. We also recognize that some beneficiaries would be advantaged and others disadvantaged by this proposal.

In summary, we have determined, and the Secretary certifies, that this proposed rule would not result in a significant economic impact on a substantial number of small entities. In addition, the estimated impact would not meet the \$100 million threshold or the other criteria for identifying major rules under Executive Order 12291. Because this proposed rule would not result in an annual economic impact that meets the threshold criteria of Executive Order 12291 or of the RFA, we have not prepared either a regulatory impact analysis or a regulatory flexibility analysis.

C. Paperwork Reduction Act of 1980

The proposed changes regarding benefit period determinations and the drug regimen review provision in section VI, following, would not impose any additional information collection requirements. Consequently, they need not be reviewed by the Executive Office of Management and Budget (EOMB) under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Section 405.1127(a) of this rule contains an information collection requirement that has been approved by the Office of Management and Budget under control number 0938-0364.

VI. Drug Regimen Reviews

The Medicare SNF regulations (§ 405.1127(a)) and the Medicaid SNF regulations (§ 442.202(c)), by reference to Part 405, Subpart K, require that a pharmacist perform a monthly drug

regimen review on each patient in the SNF. However, under Medicaid regulations located at 42 CFR 442.336(a), in ICFs, these monthly reviews must be performed by a registered nurse. This presents a problem for some facilities dually certified as both a SNF and an ICF that might find it administratively more efficient to designate either a pharmacist or a registered nurse to conduct reviews for all its patients regardless of the level of care.

In recognition of this situation and in order to provide flexibility for SNFs and ICFs, we are proposing to modify §§ 405.1127(a) and 442.336(a) of the regulations to permit either a pharmacist or a registered nurse to conduct these reviews at the option of the facility. This proposal would alleviate the problem this presents to those facilities dually certified as both a SNF or an ICF.

VII. Technical Changes

We are proposing to make technical changes to 42 CFR 405.702 (as a result of other amendments to regulations) to remove two cross-references in that section.

On September 1, 1983, we published in the *Federal Register* a final rule with comment period that revised § 405.401(c) of the regulations (48 FR 39809). The old paragraph (c) dealt with intermediaries in general, but the current paragraph (c) as amended by the rule now deals with outpatient maintenance dialysis and related services. Therefore, in the first sentence of § 405.702, we would remove, as outdated and unnecessary, the parenthetical reference "(see § 405.401(c))". Also, as a result of regulations published on April 4, 1980 (45 FR 22935), certain sections of regulations formerly appearing in Title 42 under Part 405 were redesignated as Part 489. For the same reasons as above, we would amend the second sentence of § 405.702 to remove the parenthetical "(see § 405.605)".

VIII. Response to Comments

Because of the large number of comments we receive on proposed regulations, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments received timely and respond to the major issues in the preamble to that rule.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Nursing homes,

Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 409

Health facilities, Medicare.

42 CFR Part 442

Grant programs—health, Health facilities, Health professions, Health records, Medicaid, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

42 CFR Chapter IV would be amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

A. 42 CFR Part 405 would be amended as set forth below:

1. The authority citation for Part 405, Subpart G is revised to read as follows:

Authority: Secs. 1102, 1154, 1155, 1869(b), 1871, 1872 and 1879 of the Social Security Act (42 U.S.C. 1302, 1320c, 1395ff(b), 1395hh, 1395ii and 1395pp).

§ 405.702 [Amended]

2. In § 405.702, in the first and second sentences, the parenthetical references "(see § 405.401(c))" and "(see § 405.605)", respectively, are removed as outdated and unnecessary.

3. In § 405.704, the introductory language to paragraph (b) is reprinted and (b)(10) is revised to read as follows:

§ 405.704 Actions which are initial determinations

(b) Requests for payment by or on behalf of individuals. An initial determination with respect to an individual includes any determination made on the basis of a request for payment by or on behalf of the individual under Part A of Medicare, including a determination with respect to:

(10) The beginning and ending of a spell of illness, including a determination made under the presumptions established under § 409.60(c)(2) of this chapter, as specified in § 409.60(c)(4) of this chapter.

4. The authority citation for Part 405, Subpart K is revised to read as follows:

Authority: Secs. 1102, 1814, 1832, 1833, 1861, 1863, 1865, 1866, 1871, of the Social Security Act; 42 U.S.C. 1302, 1395f, 1395k, 1395l, 1395x, 1395z, 1395bb, 1395cc, 1395hh.

5. Section 405.1127(a) is revised to read as follows:

§ 405.1127 Condition of participation—pharmaceutical services.

(a) Standard: Supervision of services. The pharmaceutical services are under the general supervision of a qualified pharmacist who is responsible to the administrative staff for developing, coordinating, and supervising all pharmaceutical services. The pharmacist (if not a full-time employee) devotes a sufficient number of hours, based upon the needs of the facility during regularly scheduled visits to carry out these responsibilities. The pharmacist or a registered nurse reviews the drug regimen of each patient at least monthly, and reports any irregularities to the medical director and administrator. The pharmacist submits a written report at least quarterly to the pharmaceutical services committee on the status of the facility's pharmaceutical service and staff performance.

PART 409—MEDICARE BENEFITS, LIMITATIONS, AND EXCLUSIONS

B. 42 CFR Part 409 would be amended as set forth below:

1. The authority citation for Part 409 is revised to read as follows:

Authority: Secs. 1102, 1812, 1813, 1814, 1861, 1866, 1871, 1881, and 1882 of the Social Security Act (42 U.S.C. 1302, 1395d, 1395e, 1395f, 1395x, 1395cc, 1395hh, 1395rr, and 1395tt).

2. Section 409.60 is revised to read as follows:

Scope of Benefits

§ 409.60 Benefit periods.

(a) *When benefit periods begin.* The initial benefit period begins on the day the beneficiary receives inpatient hospital or SNF services for the first time after becoming entitled to hospital insurance. Thereafter, a new benefit period begins whenever the beneficiary receives inpatient hospital or SNF services after he or she has ended a benefit period as described in paragraph (b) of this section.

(b) *When benefit periods end.* (1) A benefit period ends when a beneficiary has, for at least 60 consecutive calendar days, not been an inpatient in any hospital that meets the requirements of section 1861(e)(1) of the Act or in any SNF that meets the requirements of section 1861(j)(1) of the Act.

(2) For purposes of ending a benefit period, a beneficiary was an inpatient of a SNF if his or her care in the SNF met the skilled level of care requirements specified in § 409.31(b) (1) and (3).

(c) *Presumptions.* (1) For purposes of determining whether a beneficiary was

an inpatient of a SNF under paragraph (b)(2) of this section—

(i) A beneficiary's care met the skilled level of care requirements if inpatient SNF claims were paid for those services under Medicare or Medicaid, unless such payments were made under § 405.330 or Medicaid administratively necessary days provisions which result in payment for care not meeting the skilled level of care requirements;

(ii) a beneficiary's care met the skilled level of care requirements if a SNF claim was paid under section 1879(e) of the Social Security Act;

(iii) A beneficiary's care did not meet the skilled level of care requirements if a SNF claim was paid for the services under § 405.330;

(iv) A beneficiary's care did not meet the skilled level of care requirements if a Medicaid SNF claim was denied on the grounds that the services were not at the skilled level of care (even if paid under applicable Medicaid administratively necessary days provisions which result in payment for care not meeting the skilled level of care requirements);

(2) For purposes of determining whether a beneficiary was an inpatient of a SNF under paragraph (b)(2) of this section a beneficiary's care in a SNF is presumed—

(i) To have met the skilled level of care requirements if a Medicaid or Medicare claim was denied on grounds other than that the services were not at the skilled level of care;

(ii) Not to have met the skilled level of care requirements if a Medicare SNF claim was denied on the grounds that the services were not at the skilled level of care and payment was not made under § 405.330; or

(iii) Not to have met the skilled level of care requirements if no Medicare or Medicaid claim was submitted by the SNF.

(3) When the intermediary makes a benefit period determination based upon paragraph (c)(1) of this section, the beneficiary may seek to reverse the benefit period determination by timely appealing the prior Medicare SNF claim determination under 42 CFR Part 405, Subpart G, or the prior Medicaid SNF claim under 42 CFR Part 431, Subpart E.

(4) When the intermediary makes a benefit period determination under paragraph (c)(2) of this section, the beneficiary will be notified of the basis for the determination, and of his or her right to present evidence to rebut the determination that the skilled level of care requirements specified in § 409.31 (b)(1) and (b)(3) were or were not met on reconsideration and appeal under 42 CFR, Part 405, Subpart G.

(d) *Limitation on benefit period determinations.* When the intermediary considers the same prior SNF stay of a particular beneficiary in making benefit period determinations for more than one inpatient Medicare claim—

(1) Medicare will recognize only the initial level of care characterization for that prior SNF stay (or if appealed under 42 CFR Part 405 Subpart G, the level of care determined under appeal); or

(2) If part of a prior SNF stay has one level of care characterization and another part has another level of care characterization, Medicare will recognize only the initial level of care characterization for a particular part of a prior SNF stay (or if appealed under 42 CFR Part 405 Subpart G, the level of care determined under appeal).

(e) *Relation of benefit period to benefit limitations.* The limitations specified in §§ 409.61 and 409.64, and the deductible and coinsurance requirements set forth in Subpart G of this part apply for each benefit period. The limitations of § 409.63 apply only to the initial benefit period.

PART 442—STANDARDS FOR PAYMENTS FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

c. 42 CFR Part 442 would be amended as set forth below:

1. The authority citation for Part 442 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

2. Section 442.336(a) is amended by adding a reference to a pharmacist. As revised, paragraph (a) reads as follows:

§ 442.336 Review of medications.

(a) A pharmacist or a registered nurse must review medications monthly for each resident and notify the physician if changes are appropriate.

Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance Program; No. 13.714, Medical Assistance Program)

Date: March 11, 1986.

Henry R. Desmarais,
Acting Administrator, Health Care Financing Administration.

Approved: April 9, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 86-11055 Filed 5-15-86; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 18

[GEN Docket 83-806; FCC 86-208]

FCC Regulations Concerning RF Lighting Devices

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend Part 18 of its Rules to impose radiated limits on emissions below 30 MHz caused by the operation of radio frequency (RF) lighting devices. The intended effect is to minimize the interference potential of RF lighting devices to authorized radio services, such as AM broadcasting, amateur, etc.

DATES: Comments must be submitted on or before June 30, 1986, and reply comments on or before July 15, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Liliane Volcy, Office of Engineering and Technology, tel: 653-7316.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, GEN Docket 83-806, adopted April 18, 1986, and released May 8, 1986.

The full text of Commission decisions is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW, Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. Radio frequency (RF) lighting devices are capable of interfering with AM broadcasting, safety, amateur, and other radio services due to the fact they produce RF emissions in the MF and HF regions of the spectrum. In order to mitigate potential interference problems, we are currently imposing conduction limits on emissions in the 0.45-30 MHz range, and radiation limits on emissions in the 30-1000 MHz range. We now propose that radiation limits below 30 MHz be imposed to assure further continued non-interference with authorized radio services on a long term basis. The FCC laboratory will verify compliance with these proposed levels using the testing procedures outlined in

FCC/OST MP-5, "Methods of Measurements of Radio Noise Emissions from Industrial, Scientific, and Medical Equipment" (1985). Compliance with the new radiation limits below 30 MHz, would be required for all RF lighting devices marketed one year after the effective date of the final rules.

2. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 et seq., the proposed rule should not, if promulgated, have a significant economic impact on a substantial number of small entities because most RF lighting devices can be designed to meet the limits recommended herein.

3. This is a non-restricted notice and comment rule making proceeding. See § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible ex parte contacts.

4. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rule, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 30, 1986, and reply comments on or before July 15, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

List of Subjects in 47 CFR Part 18

Business and industry, Household appliance.

William J. Tricarico,
Secretary.

It is proposed that Part 18 of Title 47 of the Code of Federal Regulations be amended as follows:

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

1. The authority citation for Part 18 continues to read as follows:

Authority: Secs. 4, 303, 307, 48 Stat. 1066 1082, 1083, as amended; Sec. 303, 82 Stat. 290; 47 U.S.C. 154, 302, 303, 307.

2. Section 18.203 is amended by revising paragraph (c) and by adding two new paragraphs (d) and (e) as follows:

§ 18.203 Equipment authorization.

(c) For ISM equipment, other than RF lighting devices, grants of equipment authorization issued, as well as on-site certifications performed, before March 1, 1986, remain in effect and no further action is required.

(d) Consumer RF lighting devices for which applications for certification are filed before [six months after effective date of final rules] are not subject to the field strength limits specified below 30 MHz in § 18.305(c). Non-consumer RF lighting devices verified before [nine

months after effective date of final rules] are not subject to the field strength limits below 30 MHz specified in § 18.305(c).

(e) Notwithstanding the provisions of paragraph (d), above, the marketing and importation of any RF lighting devices, the certification or verification of which shows that they meet the field strength limits specified only above 30 MHz in § 18.305(c), shall not be permitted after [one year after effective date of final rules]. However, the use of such devices may continue in accordance with the general operating conditions of § 18.111.

3. Section 18.305(c) is revised to read as follows:

§ 18.305 Field strength limits.

(c) The field strength limits for RF lighting devices shall be the following:

Frequency (MHz)	Distance (m)	Field Strength Limit (uV/m)	
		Applications	
		Non-consumer	Consumer
0.009 to 0.45.....	300	2.4/F(MHz)	2.4/F(MHz)
0.45 to 1.705.....	30	24/F(MHz)	24/F(MHz)
1.705 to 30.....	30	15	15
30 to 88.....	3	300	100
88 to 216.....	3	500	150
216 to 1000.....	3	700	200

§ 18.307 [Amended]

4. Section 18.307 is amended by removing note 2 and redesignating note 3 as note 2.

[FR Doc. 86-10961 Filed 5-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 21

[CC Docket No. 86-179; FCC 86-226]

Multipoint Distribution Service (MDS) Regulatory Classification

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission has issued an NPRM that proposes providing single channel MDS and multichannel MDS applicants with the option to make their service offerings available on either a common carrier or non-common carrier basis. Those applicants electing to offer service as common carriers would be subject to the Commission's regulatory policies applicable to non-dominant, forborne common carriers. The Commission also proposed to eliminate both § 21.903(b)(1), the "content restriction rule", and § 21.903(b)(2), the "fifty-percent rule", from the rules and

regulations governing MDS common carriers. This action was initiated as a means of encouraging a competitive marketplace environment for the full and flexible development of this service.

DATES: Comments are due by June 30, 1986. Reply comments are due by July 15, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554

FOR FURTHER INFORMATION CONTACT: Cassandra C. Thomas, Domestic Facilities Division, Common Carrier Bureau, (202) 634-1855.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, CC Docket No. 86-179, adopted April 30, 1986, and released May 9, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230) 1919 M Street NW, Washington, DC 20554. The complete text of this decision can also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

1. The Commission has adopted a Notice of Proposed Rulemaking (NPRM) proposing to (1) permit MDS applicants, permittees, and licensees the option of rendering service on either a common carrier basis or on a non-common carrier basis. The proposal would apply to single-channel as well as multichannel MDS applicants; (2) extend the Commission's non-dominant, forbearance policies to MDS common carriers; and (3) eliminate § 21.903(b)(1), the "content-restriction rule", and § 21.903(b)(2), the "fifty-percent rule", from its rules. 47 CFR 21.903(b)(1) and 21.903(b)(2).

2. *Common carrier v. non-common carrier.* While acknowledging MDS' principal use as a delivery system for the distribution of premium video entertainment programming to end-users, the Commission recognized that the continued development of MDS for video entertainment programming as well as non-video entertainment programming is facilitated by its continued classification as a common carrier service. At the same time, the maximum and flexible development of the service would be enhanced by our proposal to permit MDS applicants the option to make their service offerings available on a non-common carrier basis. Entities that elect to provide

service on a common carrier basis would be subject to the requirements of Title II in the manner discussed at paragraph 3 below. Alternatively, parties choosing non-common carrier status would be subject only to the requirements of Title III imposed on applicants seeking a radio license authorization.

3. *MDS non-dominant, forborne common carriers.* The Commission's decision to extend its non-dominant, forbearance policies to MDS carriers is predicated on the tentative conclusion that, as a whole, these carriers lack the market power to control prices for their service offerings in such a way as to constitute unjust, unreasonable and unduly discriminatory rates and anti-competitive practices contrary to the statutory obligations imposed by Sections 201(b) and 202(a) of the Communications Act of 1934, as amended. The Commission observed that the MDS receives vigorous competition from other services capable of transmitting video-entertainment programming as well as from other transmission services. Based on this analysis, it proposed to treat MDS common carriers as non-dominant carriers. In addition, it also determined that reliance on its carrier and customer complaint process would serve as an adequate mechanism for ensuring that common carriers meet their statutorily imposed obligation to refrain from setting unjust, unreasonable and discriminatory rates and practices.

4. *Elimination of §§ 21.903(b)(1) and 21.903(b)(2).* The proposal recommends eliminating both §§ 21.903(b) and 21.903(b)(2) from the Commission's rules and regulations. Section 21.903(b)(1), the restriction on content control, was found to be unnecessary because it merely restated the principle that a common carrier may not undertake to influence the content of the message transmitted. Similarly, § 21.903(b)(2), the "fifty-percent" rule, was also determined to be unnecessary in view of the manner in which the service has developed and how it is anticipated it will develop in the future. The Commission noted that the subscriber non-affiliation rule embodied in § 21.903(b)(2) may not be necessary to ensure the availability of transmission time and capacity to users other than the licensee. It also observed that the stated practice in the MDS industry is for operators to lease 100% of their transmission time and all of their capacity to unaffiliated parties, even though § 21.903(b)(2) would allow carriers to lease up to 50 percent of their transmission time and capacity to related entities. In addition, the Commission further stated that in light

of its proposal to permit entities to elect to offer MDS on a common carrier basis or on a non-common carrier basis, a party choosing to offer service to an affiliate would be able to do so by rendering MDS on a non-common carrier basis.

5. This is a non-restricted notice and comment rulemaking proceeding. See § 1.1231 of the Commission's Rules, 47 CFR 1.1231 for rules governing permissible ex parte contacts.

6. In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, this proceeding will remove a significant regulatory restriction now imposed upon both small and large MDS carriers. Public comment is requested on the initial regulatory flexibility analysis set out in full in the Commission's complete decision. This proposal has also been analyzed with regard to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements. The proposal will not increase or decrease burden hours imposed on the public.

7. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419, of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 30, 1986, and reply comments on or before July 15, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

Ordering Clause

8. Accordingly, notice is hereby given of rulemaking to amend the Commission's Rules and Regulations in accordance with the rule proposals set forth at the end of this document. Authority for this proposed rulemaking is contained in Sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 4(i), 4(j), and 303 and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

List of Subjects in 47 CFR Part 21

Communications common carriers, Radio.

Part 21 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

Subpart K—Multipoint Distribution Service

1. The authority citation for Part 21 continues to read as follows:

Authority: 47 U.S.C. 154, 308.

2. Section 21.900 is amended by revising the first sentence of the introductory paragraph and paragraph (c) to read as follows:

§ 21.900 Eligibility.

Authorizations for stations in this service will be granted to existing and proposed communications common carriers or non-common carriers.

(c) The public interest, convenience, and necessity would be served by a grant thereof. The applicant shall submit a statement indicating whether service will be provided on a common carrier or non-common carrier basis. In addition, the applicant shall submit a statement indicating whether there is any affiliation or relationship to any intended or likely subscriber or program originator.

3. Paragraph (b) of § 21.903 is revising introductory paragraph, removing paragraphs (b)(1) and (b)(2), redesignating paragraph (b)(3) as (b)(1), revising the new paragraph (b)(1), redesignating paragraph (b)(4) as (b)(2), and by revising paragraph (c) as follows:

§ 21.903 Purpose and permissible service.

(b) Unless otherwise directed or conditioned in the applicable instrument of authorization, Multipoint Distribution Service stations may render any kind of communications service consistent with the Commission's rules and the legally applicable tariff of the carrier or on a non-common carrier basis.

(b)(1) Unless service is rendered on a non-common carrier basis, the carrier must control the operation of all receiving facilities (including any equipment necessary to convert the signal to a standard television channel but excluding the television receiver); and

(c) Non-dominant common carriers are required to charge just, reasonable and non-discriminatory rates and are subject to the Commission's complaint process, but are not required to file a tariff with the Commission. Although tariff filings with the Commission are not necessary, those carrier's desiring to file a tariff may continue to do so. In those instances, the carriers tariff shall fully described the parameters of the service to be provided, including the degree of privacy of communications a subscriber can expect in ordinary service. If the ordinary service does not provide for complete security of transmission, the tariff shall make

provision for service with such added protection upon request.

William J. Tricarico,
Secretary.

[FR Doc. 86-10953 Filed 5-15-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 21

[Docket 20490]

Common Carrier Radio Licensing; Termination of Proceeding

AGENCY: Federal Communications Commission.

ACTION: Proceeding Terminated.

SUMMARY: The Commission has terminated Docket 20490 which proposed to amend Part 21 of the Commission's Rules relating to licensing of common carrier microwave stations because most of the issues have been resolved. The few issues remaining unresolved in Docket 20490 have been incorporated into CC Docket 86-128 which proposes a comprehensive revision of Part 21.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Emily Williams, Domestic Facilities Division, Common Carrier Bureau, (202) 634-1869.

SUPPLEMENTARY INFORMATION:

Order Terminating Proceeding

In the matter of Amendment of Parts 21 and 43 of the Commission's rules and regulations relative to various procedural requirements for the Domestic Public Fixed Radio Services; Docket No. 20490, FCC 86-160.

Adopted April 8, 1986.

Released April 11, 1986.

By the Commission:

This proceeding was initiated May 29, 1975 (40 FR 24021, June 4, 1975) by the issuance of a Notice of Proposed Rulemaking which sought to promulgate new rules in parts 21 and 43 of the Commission's Rules to simplify and improve our processing of common carrier radio applications. Most of the proposed rules were adopted in the First Report and Order, 55 FCC 2d 744 (1975), and the Second Report and Order 76 FCC 2d 273 (1980). Several proposals have never been adopted, however.

Since the release of the Notice of Proposed Rulemaking in this Docket there have been a number of important developments in the domestic common carrier radio industry, the Communications Act and our own regulations. These changes have required us to review all the rules

relating to the Domestic Fixed Radio Services. Accordingly, we have adopted a Notice of Proposed Rulemaking (NPRM) that proposes a comprehensive revision of Part 21 of our rules. (51 FR 13258, April 18, 1986). The NPRM incorporates the unresolved proposals from the notice in this docket that remain viable in today's industry and environment.

Accordingly, it is ordered that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 86-8910 Filed 5-15-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 193

[Docket PS-89, Notice]

Fire Protection and Security of Waterfront Liquefied Natural Gas Facilities

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend the scope of the existing standards governing fire protection and security of liquefied natural gas (LNG) facilities to cover facilities at waterfront LNG plants other than facilities that involve marine cargo transfer operations and facilities located in navigable waters. The proposed amendment is needed to comply with mandatory provisions of the Pipeline Safety Act of 1979 and to conform the existing standards with the United States Coast Guard's revised assessment of responsibilities for port safety and security. The proposed amendment would require that the affected facilities at waterfront LNG plants meet the same standards for fire protection and security that now apply to similar facilities at more than 100 non-waterfront LNG plants in the United States.

DATE: Interested persons are invited to submit written comments on this proposal before August 14, 1986. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should be sent to the Dockets Branch, Room 8426, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW.,

Washington, DC 20590, and identify the docket and notice numbers. All comments and other docket material are available in Room 8426 for inspection and copying between the hours of 8:30 a.m., and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow, 202-426-2392.

SUPPLEMENTARY INFORMATION: Section 152(a) of the Pipeline Safety Act of 1979 (49 U.S.C. 1674a(b)), required the Secretary of Transportation to establish, within 270 days after November 30, 1979, minimum safety standards for operation and maintenance of liquefied natural gas (LNG) facilities. With certain exceptions for waterfront LNG plants, as explained below, RSPA issued the requisite standards on October 17, 1980, including, in accordance with 49 U.S.C. 1674a(d)(3), associated standards for fire protection and security of LNG facilities and personnel qualifications and training. The new standards were published as Subparts F-J of Part 193 (Docket OPSO-46; 45 FR 70390, October 23, 1980), completing a comprehensive set of safety standards for LNG facilities begun January 30, 1980, by issuance of standards for siting, design, and construction (45 FR 9189; February 11, 1980).

The United States Coast Guard (USCG) has been developing regulations for the storage and handling of LNG and other hazardous materials at waterfront facilities. To avoid inconsistent regulations and duplication of effort regarding waterfront LNG plants, a memorandum of understanding (MOU) was signed February 7, 1978 (44 FR 8146). Among other things, the 1978 MOU made the establishment of regulatory requirements for fire protection and security matters at waterfront LNG plants an exclusive USCG responsibility. Consequently, waterfront LNG plants are specifically excepted from the scope of RSPA's standards in Part 193 governing fire protection (Subpart I) and security (Subpart J) of LNG facilities (§§ 193.2801 and 193.2901). Because of this exclusion, the related qualification and training requirements (Subpart H) for fire protection and security personnel do not apply at waterfront LNG plants. All other Part 193 operation and maintenance standards do apply to waterfront LNG plants, however, except for marine cargo transfer systems and associated facilities (§ 193.2001(b)(3)) and any LNG facility located in navigable waters (§ 193.2001(b)(4)).

The term "waterfront LNG plant" is defined in Part 193 as "an LNG plant with docks, wharves, piers, or other

structures in, on, or immediately adjacent to the navigable waters of the United States or Puerto Rico and any shore area immediately adjacent to those waters to which vessels may be secured and at which LNG cargo operations may be conducted." There are five LNG plants in the United States which are now or have been operational waterfront LNG plants. Four are LNG import terminals: (1) Distrigas Corporation, Everett, Massachusetts (2) Columbia LNG Corporation, Cove Point, Maryland; (3) Southern Energy Company, Elba Island, Georgia; and (4) Trunkline LNG Company, Lake Charles, Louisiana. One, Philips-Marathon, Kenai, Alaska is an export terminal. Only the Distrigas and Philips plants are currently operational. The remaining three import terminals are temporarily shut down due to high contract costs for base-load LNG. A proposed import waterfront plant, Western LNG Terminal, Point Conception, California, has undergone considerable planning, but has been placed on hold. Also, an export waterfront LNG plant in Alaska, originally proposed for bringing Alaskan LNG to Western and the lower 48 States, frequently appears in the literature as a continuing consideration. In addition, a proposal to enlarge or build new LNG facilities in Kenai for exporting Alaskan LNG to Japan is actively being pursued.

Since 1980, when the Part 193 fire protection and security standards were adopted, USCG has reassessed the scope of its port safety and security responsibilities.

Also, since then RSPA and the gas pipeline industry have had several years' experience applying the standards to over 100 non-waterfront LNG plants. Apart from the marine transfer aspects, many of these plants are similar in size and operating characteristics to waterfront LNG plants. Given these considerations, RSPA and USCG have reconsidered the division of responsibilities in the 1978 MOU regarding fire protection and security regulations.

Consequently, a revised MOU has been adopted. It is published in this issue of the *Federal Register* as part of USCG's rulemaking notice on waterfront LNG plants. The revised MOU assigns RSPA new responsibility for regulating fire protection and security. It also recognizes that due to a statutory change (49 U.S.C. 1671(12)), RSPA's responsibility for regulating LNG facilities does not extend to any structures or equipment (or portions thereof) located in navigable waters. All other duties assigned by the 1978 MOU

remain the same. More specifically, the revised MOU assigns RSPA responsibility for regulating fire protection and security of all waterfront LNG facilities except those facilities located between the vessel and the last manifold (or valve) immediately before the receiving tanks and any structures or equipment (or portions thereof) located in navigable waters. USCG is responsible for fire protection, security, and all other matters pertaining to these excepted facilities except for RSPA's responsibility for site selection of the onshore portion of marine cargo transfer systems and associated facilities.

In view of this new division of regulatory responsibilities and the mandate of the Pipeline Safety Act of 1979 to establish operation and maintenance standards for LNG facilities which cover fire protection, security, and associated personnel qualification and training (49 U.S.C. 1674a(b) and (d)(3)), RSPA is proposing to delete the exceptions of waterfront LNG plants from the fire protection and security standards of Part 193. Removal of the exceptions, which are provided in §§ 193.2801 and 193.2901, would simultaneously cause the related personnel qualification and training requirements of Subpart H of Part 193 to apply to waterfront LNG plants (§§ 193.2709, 193.2715 and 193.2717). As provided by the existing § 193.2001(b)(3), if the proposed amendments to §§ 193.2801 and 193.2901 are adopted as final, the fire protection and security standards of Subparts I and J and the related rules in Subpart H would remain inapplicable to marine cargo transfer systems and associated facilities at waterfront LNG plants. Section 193.2001(b)(4) now provides that Part 193 does not apply to any structures or equipment (or portions thereof) located in navigable waters.

When final rules for fire protection and security were published in Subparts H, I, and J, operators of non-waterfront LNG plants were allowed varying extended periods to prepare for compliance before the rules became effective. Extra time was necessary to procure and install new equipment and to develop the required personnel training program and procedures for fire protection and security. In contrast, RSPA's experience with waterfront LNG plants shows that the operators already voluntarily comply with most, if not all, of the fire protection and security rules of Part 194. They, therefore, should not need a lengthy period in which to bring their facilities into full compliance before the rules become mandatory. RSPA proposes, therefore, that after

final rules are published in this proceeding, a period of 6 months be provided before the rules take effect.

This notice does not propose any substantive change to the existing rules in Subparts H, I, or J of Part 193. Those rules cover aspects of fire protection and security of LNG facilities that should need no differentiation with regard to waterfront location. RSPA intends to establish identical requirements for non-waterfront as well as waterfront LNG plants. Comments that suggest modifications to existing rules will be considered, but unless clearly based on waterfront location, they will be set aside for future consideration in a separate proceeding involving all LNG facilities.

Classification. The proposed amendments to the regulations are considered to be nonmajor under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979) based on the evaluation of costs and benefits contained in Docket OPSO-46. Also, the agency certifies that this proposal will not have a significant economic impact on a substantial number of small entities, since small entities do not now, and are not expected to, own or operate waterfront LNG plants because of the high capital costs involved. RSPA's experience with waterfront LNG plants shows that the expected impact of this rulemaking on existing and planned facilities would not be substantial enough to warrant a full evaluation of the costs and benefits involved.

List of Subjects in 49 CFR Part 193

Fire prevention, Security measures, Liquefied natural gas facilities.

Accordingly, RSPA proposes to amend Part 193 of Title 49 of the Code of Federal Regulations as follows:

1. The authority citation for Part 193 is revised to read as follows:

Authority: 49 U.S.C. 1674a; 49 CFR 1.53.

2. By revising § 193.2801 to read as follows:

§ 193.2801 Scope.

This subpart prescribes requirements for fire prevention and fire control at LNG plants.

3. By revising § 193.2901 to read as follows:

§ 193.2901 Scope.

This subpart prescribes requirements for security at LNG plants.

Issued in Washington, DC, on May 9, 1986 under authority delegated by 49 CFR Part 106, Appendix A.

Robert L. Paullin,

Director, Office of Pipeline Safety.

[FR Doc. 86-11009 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79-04; Notice 3]

Federal Motor Vehicles Safety Standards; Side Impact Protection; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Correction.

SUMMARY: This document corrects a notice announcing a public meeting on side impact protection. The notice referenced various research results that the agency believed would be of interest to persons planning to attend the meeting and provided an incorrect listing of the public dockets that contained the research. This notice lists the correct dockets.

FOR FURTHER INFORMATION CONTACT:

Mr. J.E. Tomassoni, NRM-12, National Highway Traffic Safety Administration, Room 5320, 400 Seventh Street SW., Washington, D.C. 20590, (202) 426-2242.

SUPPLEMENTARY INFORMATION: On April 8, 1986 (51 FR 11957), NHTSA published in the Federal Register a notice announcing a public meeting on side impact protection. For the convenience of persons planning to attend the meeting, the notice identified relevant research on side impact protection and listed the agency's dockets in which the information was filed. The docket listings for some of the documents were incorrect. Attached is a complete listing of all the referenced research material and the corrected docket listings:

1. "Results of the National Highway Traffic Safety Administration's Thoracic Side Impact Protection Research Program" Hackney et al., SAE Paper 840886 (See Docket 79-04, General Reference, Entry 55).
2. "Structural Improved Side Impact Protection in Europe," European Experimental Vehicles Committee (EEVC) Working Group, 9th International Technical Conference on Experimental Safety Vehicles, (See Docket 79-04, General Reference, Entry 51).
3. "The CCMC Mobile Deformable

Barrier for Lateral Collision Testing," Committee of Common Market Automobile Constructors Working Group, 10th International Technical Conference on Experimental Safety Vehicles (See Docket 79-04, General Reference, Entry 47).

4. "Results of the Motor Vehicle Manufacturers Association Component and Full Vehicle Side Impact Test Procedure Evaluation Program," Wasko and Wilson, 10th International Technical Conference on Experimental Safety Vehicles (See Docket 79-04, General Reference, Entry 49).

5. "A Force Measuring Mechanical Test Device for Estimating and Comparing the Energy Absorbing Characteristics of Vehicle Side Panels," Daniel, et al., 9th International Technical Conference on Experimental Safety Vehicles, (See Docket 79-04, General Reference, Entry 63.)

6. "Development of Dummy and Injury Index for NHTSA's Thoracic Side Impact Protection Research Program," Eppinger, et al. SAE Report No. 840885 (See Docket 79-04, General Reference, Entry 46).

7. "The EUROSID Side Impact Dummy," EEVC, 10th International Technical Conference on Experimental Safety Vehicles (See Docket 79-04, General Reference, Entry 45).

8. "Thoracic Impact: A Viscous Tolerance Criterion," Viano and Lau (See Docket 74-14, General Reference, Entry 579).

In addition, the notice incorrectly noted the hours that the agency's docket section is open. The docket is open from 8:00 am to 4:00 p.m.

Issued on May 13, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-11049 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1135

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to notice of proposed rulemaking and reopened proceeding.

SUMMARY: In a decision served May 1, 1986, and published in the Federal Register on May 2, 1986 (51 FR 16363), the Commission proposed to modify its

rules governing railroad cost recovery procedures by requiring railroads to adjust their rates to take into account declines in the rail cost adjustment factor. That notice established May 16, 1986, as the date for filing initial comments and May 23, 1986, as the date for filing replies in this proceeding. In a motion filed May 8, 1986, the Association of American Railroads (AAR) seeks a 14-day extension of the time for filing initial and reply comments. AAR states that the extension is necessary because of the complexity and importance of the issues, and because of the short time period originally allotted for comments. Some shipper respondents oppose the extension request; some do not.

While we recognize the complexity and importance of the issues, we will grant only a seven-day extension in the time for filing opening comments. Although the comment period established in our May 1, 1986, decision appears short, in fact we informed the public in our decision served April 18, 1986, that comments would soon be sought on an expedited basis in this matter.

Moreover, the parties have been aware of the issues involved for several months. Because delays in resolving this matter could result in substantial revenue losses to the shipping public and could preclude timely issuance of the third quarter Rail Cost Adjustment Factor (currently due to be issued on June 20, 1986), we conclude that the full extension sought by AAR is not warranted.

Accordingly, AAR's petition is granted in part. Initial comments will now be due on May 23, 1986. Because of the Memorial Day holiday, reply comments will not be due until June 2, 1986.

DATES: Initial comments are due May 23, 1986; reply comments are due June 2, 1986.

FOR FURTHER INFORMATION CONTACT:

Craig M. Keats, (202) 275-7602.

Decided: May 13, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Andre voted to grant the two-week extension. Commissioner Lamboley was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 86-11167 Filed 5-15-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Warea amplexifolia* (Wide-Leaf Warea)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine a plant in the Mustard family (Brassicaceae), *Warea amplexifolia* (wide-leaf warea), to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. Critical habitat is not being proposed. This species occurred historically in a small region of central Florida in Lake County, western Orange County, extreme northwestern Osceola County, and northern Polk County. It is now limited to only four sites in Lake and Polk Counties. Habitat at all of the other sites at which the species was known to occur has been destroyed by intensive agricultural (citrus) and urban developments.

This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for this plant. Comments on this proposal are invited from all interested parties.

DATES: Comments from all interested parties must be received by July 15, 1986. Public hearing requests must be received by June 30, 1986.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Endangered Species Field Office, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:**Background**

Warea amplexifolia was originally described by Thomas Nuttall in 1822 from a specimen collected in central peninsular Florida by N. A. Ware. Nuttall at first placed this plant in the genus *Stanleya* but in 1834 transferred it to the genus *Warea* and provided an amplified description that accommodated specimens from the

Florida panhandle. The panhandle specimens were later recognized as a distinct species, *Warea sessilifolia*, by Nash. Shimmers (1962) proposed a new name for the peninsular species, *Warea auriculata*, but other reviewers (Payson 1922, Channell and James 1964, Judd 1980) consider *Warea amplexifolia* to be the correct name. The plant has been collected infrequently during the years since the early 1800's, probably because of its extremely restricted geographical range. It is now known to occur at only four localities in Lake and Polk Counties, Florida.

Warea amplexifolia is in the mustard family (Brassicaceae). It is an erect herb growing to a height of about 0.8 meters (3 feet), with slender branching stems arising from an elongate tap root. The leaves are alternately arranged along the stem and are generally heart-shaped. They are about 8 millimeters (0.3 inch) to about 30 millimeters (1.3 inches) long and from about 4 millimeters (0.2 inch) to nearly 20 millimeters (0.8 inch) wide, with conspicuous basal lobes which clasp the stem. The flowers are showy and are borne in small, rounded, puff-like clusters at the ends of the branches. Each flower has 4 pale purple petals with a rounded upper portion, an elongated stalk-like lower portion, and 6 stamens which protrude above the petals. The pistil is narrowly cylindrical and is borne at the end of a long stalk. The fruit is a dry, thin, curved pod of about 30 millimeters (1.0 inch) to about 75 millimeters (3.0 inches) in length which is borne at the end of a 9-14 millimeter (0.3-0.5 inch) long stalk. The pod (silique) eventually splits lengthwise into two portions which spread apart revealing a thin central partition around which the small brown seeds are attached.

Warea amplexifolia is occasionally confused with the three other species of the genus. It is distinguished from *Warea sessilifolia* by its conspicuously heart-shaped leaves and lighter purple flowers; it is easily separated from *Warea carteri* and *Warea cuneifolia* by its stalkless and auriculate-based leaves. Keys to the species of *Warea* are given by Payson (1922), Small (1933) and Channell and James (1964).

Warea amplexifolia is a summer annual herb, with showy flowers, visited by various Hymenoptera (bees) and Lepidoptera (butterflies). Reproduction is exclusively sexual, by the production of seeds which are probably released from the pods by wind action. The small seeds generally fall near the parent plant. No information exists on the yearly fluctuation in seed production, seed viability, germination requirements, or the extent of soil

storage. Flowering occurs from mid-August to early October, and fruiting occurs from late September to mid-November. Senescence (old age) occurs just before the fruit matures; the population overwinters as seeds.

The following information is from Judd (1980). *Warea amplexifolia* is endemic to the Lake Wales Ridge of central peninsular Florida. It was known to occur in Lake County, Orange County, Osceola County, and Polk County, but is now confined to only Lake and Polk Counties. The Lake Wales ridge is an elongated area of raised and usually dry soils, with elevations up to about 100 meters (300 feet), extending from central Highlands County northward and gradually disappearing in southern Marion County. The region supports dry forests of *Pinus palustris* (long-leaf pine) or *Pinus clausa* (sand pine), and various communities dominated by scrubby oaks such as *Quercus laevis* (turkey oak), *Quercus geminata* (sand live oak), *Quercus incana* (bluejack oak), *Quercus myrtifolia* (myrtle oak), and *Quercus chapmanii* (Chapman's oak), or *Ceratiola ericoides* (Florida rosemary). *Warea amplexifolia* is restricted to *Pinus palustris* and scrubby oak forests. Most of the Lake Wales ridge has undergone intensive agricultural development and now supports extensive citrus groves. The remaining portion is under extremely heavy pressure from agricultural and urban developments. These developments have resulted in a loss of habitat for *Warea amplexifolia*, and threaten the survival of the species at the four sites where it still occurs in Lake and Polk Counties.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened or extinct. The Secretary of the Smithsonian presented this report (House Document No. 94-51) to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) of its acceptance of the Smithsonian report as a petition within the context of Section 4(c)(2) of the Act. On June 16, 1976, the Service published a proposed rule in the *Federal Register* (41 FR 24523) to determine approximately 1,700 vascular plant species recommended by the Smithsonian Report to be endangered species pursuant to section 4 of the Act. *Warea amplexifolia* was included in the Smithsonian Report, the July 1, 1975, notice, and the June 6, 1976, proposal.

The 1978 Endangered Species Act Amendments required that all proposals over 2 years old be withdrawn, except

that a 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of withdrawal of the June 6, 1976, proposal, along with four other proposals which had expired (44 FR 70796). On December 15, 1980, the Service published a revised notice of review in the *Federal Register* (45 FR 82480); *Warea amplexifolia* was included as a category-1 species (species for which data in the Service's possession indicate listing is warranted). A supplement to the Notice of Review (48 FR 53640, November 28, 1983) treated *Warea amplexifolia* as a category-2 candidate (species for which data in the Service's possession indicate listing is possibly appropriate). The 1985 updated review of plant candidates (50 FR 39526, September 27, 1985) maintained *Warea amplexifolia* in category 2. This reclassification was based on a report of the species being found in Alabama, subsequently found to be incorrect.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the Act's Amendments of 1982, further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Warea amplexifolia* because of the acceptance of the 1975 Smithsonian Report as a petition. On October 13, 1983, October 12, 1984, and October 11, 1985, the Service made 12-month findings that the petition to list *Warea amplexifolia* was warranted, and that although pending proposals had precluded its proposal, expeditious progress was being made to add other species to the list. Biological data, supplied by Judd (1980) and supplemented by a field investigation in 1985, fully support a listing of *Warea amplexifolia* as endangered. The present proposal is based primarily on Judd's biological data, and constitutes the next 12-month finding requirement of section 4(b)(3)(B) of the Act for this species. All four sites listed by Judd as containing populations of *Warea amplexifolia* were revisited in 1985. Three of these four sites were found to still contain habitat which could support the species. The fourth site has been lost to commercial development since Judd completed his survey. An additional site was discovered in 1985 on the grounds of the Bok Tower Gardens, Lake Wales, Polk County; it was reported to the Fish and Wildlife Service by Kent Perkins of the University of Florida Herbarium on November 14, 1985.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Warea amplexifolia* (Nuttall) Nuttall (wide-leaf warea) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* This has been, and continues to be, the primary threat to the survival of *Warea amplexifolia*. The species is known at present from only the following three sites of Judd (1980), all of which were relocated in 1985, and one additional site reported to the Fish and Wildlife Service by Kent Perkins, University of Florida Herbarium, in personal communication of November 14, 1985:

1. Leesburg Site (Lake County)—A population of ca. 250 plants occupy a woodlot or roughly 1 acre. The woodlot is surrounded by development (urban and citrus), but is now part of the Lake Griffin State Recreation area.

2. Clermont Site (Lake County)—About 700 plants (the largest population known) inhabit a woodland of roughly 10 acres. The woodland is privately owned (by a mining company) and is surrounded by orange groves.

3. Haines City Site (Polk County)—About 200 plants inhabit a privately owned woodland of about 1 to 2 acres in size surrounded by orange groves.

4. Lake Wales Site (Polk County)—A population of about 24 plants was discovered in 1985 at the Pine Ridge Reserve on the grounds of the Bok Towers Gardens. This area is about 50 acres in size and is a remnant of the original longleaf pine vegetation. It is managed by the Gardens to preserve its flora.

The species is known or assumed extirpated from four sites in Orange County and one site in both Lake and Osceola Counties within its historical range (Judd 1980). Judd further noted that very few areas of upland, dry, open *Pinus palustris* woods exist at the present time in the area of well-drained white sandy soil from Leesburg to Haines City. This area is now covered with citrus groves, with the few remaining wooded areas occupying mainly lowland sites. A search of the Clermont, Haines City, and Leesburg

areas revealed no additional localities for *Warea amplexifolia*.

Thus, of the 10 sites where the species has been known to occur historically, six have already been destroyed by agricultural and urban development. The remaining four sites are small, the three are privately-owned; two of these are very vulnerable to development pressures. Altogether, fewer than 1,200 plants are known to survive on less than 65 acres of land. All present populations are surrounded by citrus groves and/or urban developments (Orlando, Tavares, Leesburg, etc.).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* According to Judd (1980), *Warea amplexifolia* has potential as a cultivated ornamental because of its showy, light purple flowers clustered in dense "puff-like" terminal racemes. The plant is striking in full bloom, and is highly vulnerable to picking by vandals and curiosity seekers.

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms.* *Warea amplexifolia* was listed as endangered in 1985 under the Preservation of the Native Flora of Florida Law (Section 581.185 of the Florida Statutes). This Florida law regulates taking, and the sale of plants, but it does not provide habitat protection.

E. *Other natural or manmade factors affecting its continued existence.* Because this species is an annual, and extremely restricted in both range and members, it is very vulnerable to disturbance and natural disasters. The failure of any one of the four remaining populations to set seed in the fall, could result in the extirpation of that population and a further reduction in the already small genetic variability of the species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Warea amplexifolia* as endangered. The species is extremely limited in range and numbers, and occurs mainly on private lands in rapidly growing areas. A failure to list this species, or a proposal to list it as threatened, would not recognize the fact that available data indicate it is in danger of extinction throughout its entire range. Critical habitat is not being proposed for *Warea amplexifolia* for the reasons discussed in the following section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. As stated under Factor B in the "Summary of Factors Affecting the Species," *Warea amplexifolia* is a striking plant when in bloom, and has a potential for ornamental cultivation. In addition, its showy, light purple flowers are conspicuous in the field, and it would be a great temptation for flower lovers or for vandals to pick them. Since there are only four remaining populations of this species, any molestation of them by curiosity seekers or vandals could result in their extinction. Therefore, a determination of critical habitat would provide an additional threat to the species by supplying precise information to the general public on where the species may be found. All involved parties and landowners will be notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Because of these factors, the Service believes that a determination of critical habitat is not prudent for *Warea amplexifolia*.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing

this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Since all presently known sites for *Warea amplexifolia* are on private or State owned land, there will be no effect from the above requirement unless a private action requires some Federal action, such as funding or permits.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export an endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. *Warea amplexifolia* is not known at present from any Federal lands. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would be sought or issued for *Warea amplexifolia*, since it is not in cultivation or common in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as

possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject areas and their possible impacts on this species.

Final promulgation of the regulation on *Warea amplexifolia* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Endangered Species Field Office, 2747 Art Museum Drive, Jacksonville, Florida 32207.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

References Cited

- Channel, R.B., and C.W. James, 1964. Nomenclatural and taxonomic corrections in *Warea* (Cruciferae). *Rhodora* 66:18-26.
- Judd, W.S. 1980. Status report on *Warea amplexifolia*. Unpublished report prepared for U.S. Fish and Wildlife Service, Jacksonville, Florida. 22 pp.
- Nuttall, T. 1922. A catalogue of a collection of plants made in East-Florida, during the months of October and November, 1821 by A. Ware, Esq. *Amer. Jour. Sci.* 5:297.
- Nuttall, T. 1834. A description of some of the rarer or little known plants indigenous to the United States, from the dried specimens

in the herbarium of the Academy. Jour. Acad. Nat. Sci. Philadelphia 7:83.
 Payson, E.B. 1922. A monographic study of *Thelpodium* and its immediate allies. Ann. Missouri Bot. Gard. 9:233-324.
 Shimmers, L.H. *Warea auriculata* instead of *W. amplexifolia* of Small (Cruciferae). Rhodora 66:18-26.
 Small, J.K. 1933. Manual of the Southeastern Flora. Privately published, New York, N.Y., pp. 573-574.

Author

The primary author of this proposed rule is John L. Paradiso, Jacksonville Endangered Species Field Office, 2747

Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946-2580).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation**PART 17—[AMENDED]**

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.12(h) by adding the following in alphabetical order under Brassicaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants:

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Brassicaceae—Mustard family:						
Warea amplexifolia	Wide-leaf warea	U.S.A. (FL)	E		NA	NA

Dated: April 18, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-11109 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 51, No. 95

Friday, May 16, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States, to be held at 2:30 p.m. on Wednesday, May 28, 1986, in the Secretary's Conference Room, Room 5859, at the Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C.

The Committee will meet to discuss the following projects:

(a) The proposed recommendation on agency use of alternative dispute resolution techniques, based on a project by Philip J. Harter, Esq.; and,

(b) Professor Burnele V. Powell's preliminary analysis on agency use of declaratory orders.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference by Friday, May 23. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202-254-7065.) Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.
May 14, 1986.

[FR Doc. 86-11195 Filed 5-15-86; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest Lands in the Pacific Northwest Region; Entire States of Oregon and Washington, and Minor Portions of California and Idaho; Intent To Prepare a Supplement to Programmatic Environmental Impact Statement; Cancellation

The Department of Agriculture, Forest Service, has withdrawn its proposal to prepare a Supplement to the Final Programmatic Environmental Impact Statement entitled "Methods of Managing Competing Vegetation," dated June 2, 1981.

The Notice of Intent, published in the Federal Register on June 4, 1985, is hereby cancelled (50 FR 107, page 23480).

For further information, contact Gary Larsen, Leader, Pesticide Use Management, USDA Forest Service, P.O. Box 3623, Portland, OR 97208, phone (503) 221-2727.

Dated: May 9, 1986.
Chad Olsen,
Acting Regional Forester.

[FR Doc. 86-11021 Filed 5-15-86; 8:45 am]

BILLING CODE 3410-11-M

Office of Grants and Program Systems

Policy Advisory Committee for the Science and Education Research Grants Program; Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the Policy Advisory Committee for two years. The purpose of this Committee is to advise the Secretary with respect to areas of agricultural research to be supported, priorities to be adopted, and procedures to be followed in implementing programs of research grants to be awarded competitively.

The Policy Advisory Committee will meet twice annually in Washington, DC, to assess the Competitive Research Grants Program in relation to progress in funded areas; recommend shifts in resources to concentrate more effort in certain ongoing areas; or in new areas, advise on ways to improve guidelines and evaluation procedures.

It has been determined that the renewal of the Policy Advisory

Committee is in the public interest in connection with the duties and responsibilities of the Department of Agriculture as lead agency of the Federal Government of agricultural research.

Done at Washington, DC, this 8th day of May, 1986.

John J. Franke, Jr.,
Assistant Secretary for Administration.
[FR Doc. 86-11113 Filed 5-15-86; 8:45]

BILLING CODE 3410-MT-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1986 Post-Enumeration Survey Followup of Los Angeles, California
Form number: Agency—DC-1301U;
OMB—NA

Type of request: New collection
Burden: 400 respondents; 400 reporting hours

Needs and uses: This survey will be used to determine whether people were counted in the 1986 Census of Los Angeles. The information will be used to match the Post Enumeration Survey and the Census for estimates of coverage

Affected public: Individuals or households

Frequency: One time

Respondent's obligation: Mandatory

OMB desk officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: May 9, 1986.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 86-11086 Filed 5-15-86; 8:45 am]

BILLING CODE 3510-07-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and

Atmospheric Administration

Title: Incidental Taking of Sea Turtles

Form number: Agency—N/A; OMB—N/A

Type of request: New collection/emergency submission

Burden: 100 respondents; 8 reporting hours

Needs and uses: To support the closure by the State of Texas of a shrimping area to allow shrimp to grow to a marketable size, NOAA is opening up a geographical area for a limited time that would otherwise be closed to shrimp trawlers. The proposed action is likely to result in the capture, injury or harassment of endangered or threatened sea turtles. The information collection will be used to monitor shrimping operations to ensure that allowable incidental take levels are not exceeded.

Affected public: Businesses or other for-profit institutions; small businesses or organizations

Frequency: Other (By fishing trip)

Respondent's obligation: Mandatory

OMB desk officer: Sheri Fox, 395-3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: May 9, 1986.

Edward Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86-11087 Filed 5-15-86; 8:45 am]

BILLING CODE 3510-CW-M

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meetings

The Western Pacific Fishery Management Council's Scientific and Statistical Committee (SSC), and Lobster Plan and Bottomfish/Seamount Groundfish Plan Development Teams will convene public meetings as follows:

Lobster Plan Development Team (PDT)—will convene May 23, 1986, at 12:30 p.m., at the Council's Office, 1164 Bishop Street, Room 1405, Honolulu, HI, to discuss the outcome of the recent public information meeting (April 29, 1986) on lobsters; review recommendation of legal minimum tail width for common slipper lobster (*Scyllarides squammosus*); discuss state/federal consistency and enforcement issues per recent changes in the spiny lobster regulations, as well as discuss other Team business.

Bottomfish/Seamount Groundfish PDT—will convene May 27, 1986, at 8:30 a.m., at the Pagoda Hotel, Penthouse Room, 1525 Rycroft Street, Honolulu, HI, to discuss the preparation of a bottomfish annual report-format and information base; review progress of developing a Northwestern Hawaiian Islands (NWHI) bottomfish access management plan, and discuss other Team business.

SSC—will convene May 27, 1986, from 1:30 p.m. to 5 p.m.; reconvene May 28, from 8:30 a.m. to 5 p.m., at the same location as stated above for the Bottom fish/Seamount Groundfish PDT meeting. The SSC will review progress on an access management amendment to the Bottomfish Framework Fishery Management Plan; review recommendations of the Lobster Planning Team on management of the NWHI fisheries, i.e., slipper lobsters closed seasons economic conditions of the fishery, and the comments of the lobster fishermen on those recommendations; review and comment on the final 1985 lobster annual report as well as discuss any other SSC business. A detailed agenda will be available through the Council's Office after May 9. For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI; telephone: (808) 523-1368.

Dated: May 12, 1986.

Richard B. Roe,

Director, Office of Fisheries Management National Marine Fisheries Service.

[FR Doc. 86-11032 Filed 5-15-86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limit for Certain Apparel Products From the Democratic Socialist Republic of Sri Lanka

May 13, 1986.

The Chairman of the Committee for Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 19, 1986. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

A CITA directive date May 24, 1985 (50 FR 21923) established limits for certain specified categories of cotton, wool, and man-made fiber textile products, including Category 341 (women's, girls' and infants' cotton blouses and shirts), produced or manufactured in Sri Lanka and exported during the agreement period which began on June 1, 1985 and extends through May 31, 1986. The limit for Category 341 is filled. At the request of the Government of the Democratic Socialist Republic of Sri Lanka, special carryforward in the amount of 20,000 dozen is being applied to the restraint limit, increasing it from 526,939 dozen to 546,939 dozen for the current agreement year. The limit for Category 341 during the agreement period beginning on June 1, 1986 will be adjusted to account for carryforward used in the current agreement year.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57564), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44872), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

May 13, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 24, 1985, from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Sri Lanka and exported during the agreement period which began on June 1, 1985.¹

Effective on May 29, 1986, paragraph 1 of the directive of May 24, 1985, as amended, is hereby further amended to include an adjusted restraint limit for Category 341 of 546,939 dozen.²

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11102 Filed 5-15-86; 8:45 am]

BILLING CODE 3510-DR-M

Adjusted Restraint Limit for Category 334 Produced or Manufactured in Sri Lanka

May 13, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on May 19, 1986. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

A CITA directive dated May 24, 1985 (50 FR 21923) established restraint limits for certain cotton, wool and man-made fiber textile products, including men's and boys' other cotton coats in Category 334, produced or manufactured in Sri Lanka and exported to the United States during the agreement year which began

¹ The agreement provides, in part, that: (1) Specific limits and sublimits may be exceeded during the agreement year by designated percentages of the square yards equivalent total in any agreement period, provided that the amount of the increase is compensated for by a decrease in equivalent square yards in one or more other specific limits; (2) specific limits may be increased for carryover or carryforward; and (3) administrative adjustments or arrangements may be made to resolve minor problems arising in the implementation of the agreement.

² The restraint limit has not been adjusted to reflect any imports exported after May 31, 1985.

on June 1, 1985 and extends through May 31, 1986. The limit for Category 334 was increased to 191,892 dozen by the application of carryover from the previous agreement year by directive of February 4, 1986 (51 FR 4784). Additional shipments have been received and charged, reducing the amount of carryover actually available. Consequently, in the letter to the Commissioner of Customs which follows this notice, the Chairman of CITA directs that the limit for Category 334 be reduced from 191,892 dozen to 188,019 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of The United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 13, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 24, 1985, as amended, concerning certain cotton, wool and man-made fiber textile products, produced or manufactured in Sri Lanka.

Effective on May 19, 1986, the directive of May 24, 1985 is hereby further amended to reduce the restraint limit established for cotton textile products in Category 334 to 188,019 dozen.¹

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11103 Filed 5-15-86; 8:45 am]

BILLING CODE 3510-DR-M

¹ The limit has not been adjusted to reflect any imports exported after May 31, 1985.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1986 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 16, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On February 21, 1986, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (50 FR 6295) of proposed additions to Procurement List 1986, October 15, 1985 (50 FR 41809).

Addition

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

- The action will not result in any additional reporting, recordkeeping or other compliance requirements.
- The action will not have a serious economic impact on any contractors for the commodity listed.
- The action will result in authorizing small entities to produce the commodity procured by the Government.

Accordingly, the following commodity is hereby added to Procurement List 1986:

Bag, Carrying: 8465-01-216-6259.

E.R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 86-11092 Filed 5-15-86; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE**Office of the Secretary****President's Blue Ribbon Commission on Defense Management; Closed Meeting****ACTION:** Notice of Closed Meeting.

SUMMARY: The President's Blue Ribbon Commission on Defense Management announces a forthcoming meeting beginning at 8:30 a.m. on June 11 and 12, 1986, at 735 Jackson Place, NW., Washington, DC 20503.

Discussion during the meeting will include classified matters of national security and other matters which cannot be addressed in open forum throughout. Such discussions cannot reasonably be segregated for separate open and closed sessions without defeating the effectiveness and purpose of the overall meeting. Accordingly, consistent with section 10(d) of Pub. L. 92-463, the "Federal Advisory Committee Act," and section 552b(c)(1) and (c)(9)(B) of Title 5, United States Code, this meeting will be closed to the public.

Agenda: The Commission will meet to continue its consideration of defense management and organization issues and its preparation of a final report to the President.

FOR FURTHER INFORMATION CONTACT:

Mr. Herbert E. Hetu (Public Affairs), 1899 L Street NW., Suite 400, Washington, DC 20036. Telephone: (202) 466-7980 or (202) 395-3198.

Patricia H. Means,

*OSD Federal Register Liaison Officer,
Department of Defense.*

May 12, 1986.

[FR Doc. 86-11116 Filed 5-15-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force**USAF Scientific Advisory Board, Meeting**

May 9, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Close Air Support (CAS) will meet at George AFB, CA, on June 5-6, 1986 from 8:00 a.m. to 5:00 p.m. each day.

The purpose of this meeting is to discuss CAS tactics, defense suppression tactics, and tactical air control procedures.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-11085 Filed 5-15-86; 8:45 am]

BILLING CODE 3901-01-M

Department of the Army**Army Science Board; Closed Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday & Wednesday, 3-4 June 1986.

Times of Meeting: 0930-1700 (3 Jun); 0800-1200 (4 Jun).

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board 1986 Summer Study on Technology Forecast for the Key Operational Capabilities will meet for continuation of briefings, for ASB panel members on technical matters pertaining to Key Operational Capabilities. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-11082 Filed 5-15-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday and Wednesday, 3-4 Jun 1986.

Times of Meeting: 0730-1800 (3 Jun 86); 0730-1600 (4 Jun 86).

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board 1986 Summer Study Panel on C³I Requirements for AirLand Battle will meet to receive technical briefings and discuss C³I with Senior Army leaders. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer,

Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-11083 Filed 5-15-86; 8:45 am]

BILLING CODE 3710-08-M

Army Service Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Thursday, 5 June 1986.

Times of Meeting: 0800-1600 hours.

Places: Research, Development and Engineering Center, US Army Missile Command, Redstone Arsenal, Alabama.

Agenda: The Army Science Board AHSG on MICOM Lab Effectiveness Review will visit the Center for the purpose of gathering data on the activities in the Shorad and software areas. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer Army Science Board.

[FR Doc. 86-11084 Filed 5-15-86; 8:45 am]

BILLING CODE 3710-08-M

Defense Contract Audit Agency**Privacy Act of 1974; New Record System**

AGENCY: Defense Contract Audit Agency (DCAA), DoD.

SUMMARY: The Defense Contract Audit Agency is adding a new record system to its existing inventory of record systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

DATE: This proposed action will be effective without further notice June 16, 1986, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to Mrs. Connie Miller, Records Administrator, Cameron Station, Room 4A-375, Alexandria, VA 22304-6178, Telephone: 202-274-7288.

SUPPLEMENTARY INFORMATION: The Defense Contract Audit Agency systems of records notices subject to the Privacy Act of 1974 have been published in the Federal Register as follows:

FR Doc. 85-10237 (50 FR 22884) May 29, 1985

FR Doc. 85-29260 (50 FR 50339)

December 10, 1985

FR Doc. 85-30595 (50 FR 52993)

December 27, 1985

The new record system identified as RDCAA 160.5, entitled: Travel Orders, is required to document all entitlements, authorizations and paperwork associated with an employee's official travel. These records are currently maintained by travel order number. A new system report, as required by 5 U.S.C. 552a(o) of the Privacy Act was submitted on April 4, 1986, pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison
Officer Department of Defense.

May 12, 1986.

RDCAA 160.5

SYSTEM NAME:

160.5 Travel Orders.

SYSTEM LOCATION:

Defense Contract Audit Agency (DCAA) Headquarters, Cameron Station, Alexandria, VA 22304-6178, DCAA regional offices, whose addresses are listed in the DoD directory in the appendix to DCAA's systems notices and field audit offices, whose addresses may be obtained from their cognizant regional office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DCAA employee who performs official travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's orders directing or authorizing official travel to include approval for transportation of automobiles, documents relating to dependents travel, bills of lading, vouchers, contracts, and any other documents pertinent to the individual's official travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC. 301; 10 USC 133; 44 USC 2901, et seq.

PURPOSE(S):

To document all entitlements, authorizations, and paperwork associated with an employee's official travel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSE OF SUCH USES:

See blanket routine uses.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By fiscal year and alphabetically by surname. May be filed in numerical sequence by travel order number.

SAFEGUARDS:

Under control of office staff during duty hours. Building and/or office locked and/or guarded during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Field Administration Support Office, Headquarters, DCAA, Cameron Station, Alexandria, VA 22304-6178;

Regional Directors, DCAA, whose addresses are listed in the DoD directory in the appendix to DCAA's systems notices (50 FR 22897, May 29, 1985); and

Chiefs of Field Audit Offices, whose addresses may be obtained from their cognizant regional office.

NOTIFICATION PROCEDURE:

Information may be obtained from the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304-6178.

RECORDS ACCESS PROCEDURES:

Requests from individuals should be addressed to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304-6178.

Written requests for information should contain the full name of the individual, current address, and telephone number and current business address. Visits are limited to those offices listed in the DoD directory in the appendix to DCAA's systems notices.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or employing office identification card.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the Records Administrator, Defense

Contract Audit Agency, Cameron Station, Alexandria, VA 22304-6178.

RECORD SOURCE CATEGORIES:

Administrative offices; personnel offices; servicing payroll offices; employee.

SYSTEMS EXEMPTED FROM CERTAIN INFORMATION OF THE ACT:

None.

[FR Doc. 86-11117 Filed 5-15-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Proposed U.S. Navy Restriction of the North River, Naval Submarine Base, Kings Bay, GA; Public Hearing on the Kings Bay Environmental Impact Statement (EIS) for North River Access Restriction

Pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4361) and the Council on Environmental Quality Regulations (40 CFR 1500-1508), the U.S. Navy has prepared and filed with the U.S. Environmental Protection Agency, a Draft Environmental Impact Statement (DEIS) for the proposed restriction of the North River, Naval Submarine Base, Kings Bay, Georgia. The DEIS has been distributed to various Federal, Georgia and Florida state and local agencies, interest groups and media. Copies of the DEIS may also be viewed during normal business hours at the following locations:

- a. *St. Marys, Georgia*
 - (1) St. Marys City Hall.
 - (2) National Park Service Office (Cumberland Island National Sea Shore).
- b. *Kingsland, Georgia*
 - (1) Kingsland City Hall.
 - (2) Camden County Branch Office.
- c. *Woodbine, Georgia*
 - (1) Camden County Court House.
- d. *Fernandina Beach, Florida*
 - (1) Fernandina Beach City Hall.

A public hearing to inform the public of the study's findings and to solicit comments on the Navy's proposed restriction of the North River will be held at the following location:

Camden County High School, St. Marys, Georgia

Date: Tuesday, June 3, 1986

Times: Registration—7:00 to 7:30 P.M.;

Hearing—7:30 to approximately 10:30 P.M.

The hearing will be chaired by the U.S. Navy in accordance with the National Environmental Policy Act, Council of Environmental Quality regulations and applicable U.S. Navy

regulations. All interested parties are invited to be present or represented at this meeting. This includes representatives of Federal, state, and local agencies; private industry; civic and environmental groups; fish and wildlife organizations; and other interested and concerned citizens. All parties will be afforded full opportunity to express their views, but in order to allow all an opportunity to speak, oral statements will be limited to 5 minutes. Technical statements, statements of considerable length, or statements from persons unable to attend, should be delivered in writing either at the hearing or mailed to: Director, Strategic Systems Programs, Department of the Navy (SP-20181), Washington, DC 20376-5002.

Oral statements will be heard and transcribed by a stenographer, but for accuracy of record all statements should be submitted in writing. All statements, both oral and written, will become part of the official record on this study. Copies of the public hearing transcript will be available for public review at the locations listed above for reviewing the DEIS.

Final decision on the proposed project will be made only after full consideration is given to the views of responsible agencies, groups, and citizens.

Written statements will be accepted until June 27, 1986.

Questions concerning this public notice may be directed to Commander Bruce M. Dutton at telephone (202) 697-8055.

Dated: June 13, 1986.

Robert E. Coyle,

Captain, JAGC, U.S. Navy Federal Register Liaison Officer.

[FR Doc. 86-11094 Filed 5-15-86; 8:45am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Direct Service Industry Options; Final Environmental Impact Statement Availability

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice is hereby given that the Bonneville Power Administration, in compliance with the National Environmental Policy Act of 1969 (NEPA), has responded to comments received on the subject draft environmental impact statement (EIS), revised the document accordingly, and prepared a final EIS entitled "Direct Service Industry Options."

SUMMARY: The EIS examines three potential actions (and alternatives) by which BPA hope to reduce load fluctuations and revenue uncertainty resulting from its electrical service to 10 aluminum smelters. Options discussed include a variable power rate tied to the price of aluminum; a formal link between the Industrial Firm Power and the rate to the preference utility; and partial BPA support for aluminum smelter modernization/conservation. BPA believes these actions, or combinations of them, will give BPA greater ability to plan for power needs and help to maintain its relatively strong financial position during this current period of power surplus, enhancing BPA's ability to repay the U.S. Treasury. In turn, BPA's rates to its utility and other nonindustrial customers would stabilize.

Copies of the final EIS are available for public review at major libraries in California, Idaho, Montana, Oregon, and Washington, and at locations listed below:

Reading Rooms

FOI DOE MA 232.1, Public Reading Room 1E-190, Forrestal Building, 1000 Independence Ave. SW, Washington, DC

Bonneville Power Administration, Washington, DC Office, Room 3G033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC

Additional Review Locations

The document may be inspected at the following BPA offices.

Ms. Donna Geiger, BPA Public Reference Room, 1002 NE Holladay, 6th Floor, Portland, Oregon 97232 503-230-3478

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE Irving Street, Portland, Oregon 97208 503-230-4551

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401 503-687-6952

Mr. Wayne R. Lee, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201 509-456-2518

Mr. George Eskridge, District Manager, 800 Kensington, Missoula, Montana, 59801 406-329-3060

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington 98801 509-662-4377, Ext. 379

Mr. Terence G. Esvelt, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109 206-442-4130

Mr. Frederic D. Rettenmund, District Manager, Federal Building, Room 376, 550 W. Fort Street, Boise, Idaho 83724 208-334-9137

Mr. Thomas Wagenhoffer, Area Manager, West 101 Poplar, Walla Walla, Washington 99362 509-522-6226

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401 208-523-2706.

FOR FURTHER INFORMATION CONTACT:

Requests for copies, questions, or comments regarding the EIS should be directed to Anthony R. Morrell, Environmental Manager, Bonneville Power Administration, P.O. Box 3621-SJ, Portland, Oregon 97208; phone 503-230-5136. The review period will close 18 days after the Environmental Protection Agency's notice of availability of the final EIS is published in the *Federal Register*.

Issued in Portland, Oregon, on May 8, 1986.

Peter T. Johnson,

Administrator.

[FR Doc. 86-11052 Filed 5-15-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Remedial Order; Port Petroleum, Inc. et al.

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Port Petroleum, Inc. and Morris M. James, T. Michael Howell, and C. Gregory Crafts. This Proposed Remedial Order alleges entitlement violations in the amount of \$9,020,867 plus interest in connection with the failure to satisfy entitlements obligations during the period August 1979 through December 1980. These alleged violations have potential nationwide impact.

A copy of the Proposed Remedial Order may be obtained from the Office of Freedom of Information Reading Room; U.S. Department of Energy; Forrestal Building, Room 1E-190; 1000 Independence Avenue SW.; Washington, D.C. 20585. Within fifteen (15) days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals; U.S. Department of Energy; Forrestal Building, Room 6F-078; 1000 Independence Avenue SW.; Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 7th day of April 1986.

Ben Lemos,

Director, Office of Field Operations, Dallas Economic Regulatory Administration.

Appendix

The addresses of the Port Petroleum, Inc. Proposed Remedial Order respondents are: Port Petroleum, Inc., Louisiana Towers, Suite 1810, Shreveport, Louisiana 71101; Morris M. James, 1963 Round Springs, Kingwood, Texas 77339; T. Michael Howell, 5724 Marina Bay Drive, Shreveport, Louisiana 71119; and C. Gregory Crafts, 2790 Fairfield Avenue, Shreveport, Louisiana 71104.

[FR Doc. 86-10853 Filed 5-15-86; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; Scruggs Energy Co. et al.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed remedial order to Scruggs Energy Company, W.W. (Bill) Scruggs and Donald W. Guillory.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Scruggs Energy Company, W.W. (Bill) Scruggs and Donald W. Guillory (collectively referred to as Scruggs). This Proposed Remedial Order alleges layering violations in the amount of \$13,302,314.00, plus interest, and pricing violations in the amount of \$860,379.00, plus interest, in connection with the sale of crude oil at prices in excess of those permitted under 10 CFR Part 212 during the time period August 1, 1979 through January 31, 1981. The effect of the alleged violations is nationwide.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: Office of Freedom of Information Reading Room, United States Department of Energy, Forrestal Building, Room 1E-190, 1000 Independence Avenue SW., Washington, DC. 20585.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, in accordance with 10 CFR 205.193. The Notice shall be filed in duplicate, shall briefly describe how the person would be aggrieved by issuance of the

Proposed Remedial Order as a final order and shall state the person's intention to file a Statement of Objections.

Pursuant to 10 CFR 205.193(c), a person who files a Notice of Objection shall on the same day serve a copy of the Notice upon:

James Louthan, Audit Director, Economic Regulatory Administration, U.S. Department of Energy, One Allen Center, Suite 660, 500 Dallas Street, Houston, Texas 77002

and upon:

Carl A. Corrallo, Solicitor, Economic Regulatory Administration, U.S. Department of Energy, Room 3H-017, RG-15, 1000 Independence Avenue SW., Washington, D.C. 20585.

Issued in Houston, Texas, on the 10th day of April 1986.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

Appendix

The addresses of the Scruggs Energy Company Proposed Remedial Order respondents are: Scruggs Energy Company, c/o W.W. (Bill) Scruggs, President, 2907 Laurel Lake Drive, Kingwood, Texas 77339; W.W. (Bill) Scruggs, Lakewood Yacht Club, 2425 Nasa Road 1, Nassau Bay, Texas 77568; and Donald W. Guillory, Route 8, Box 194, Lake Charles, Louisiana 70605.

[FR Doc. 86-11124 Filed 5-15-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP86-73-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

May 9, 1986.

Take notice that on May 2, 1986, Algonquin Gas Transmission Company ("Algonquin Gas") tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Substitute Second Revised Sheet No. 631
Substitute Original Sheet No. 631-A

Algonquin Gas states that it is filing such tariff sheets to add a provision to its Purchased Gas Cost Adjustment Provisions ("PGAC") setting forth the procedure for reimbursement to Algonquin Gas of a contingent purchased gas cost, if incurred. More specifically Algonquin Gas' purchases from its supplier, Texas Eastern Transmission Corporation ("Texas Eastern") include gas purchased under a

filed rate schedule of that Company (Rate Schedule DCQ-D). That rate schedule contains a minimum commodity charge which has not heretofore been applicable. As a result of transportation programs, however, the provision may now become applicable and result in an actual gas cost to Algonquin Gas. The purpose of Algonquin Gas' filing is to provide a specific procedure for distributing any such actual gas cost among Algonquin Gas' customers.

Algonquin Gas proposes the effective date of the above tariff sheets to be April 30, 1986, the date the Commission issued an order making effective a new transportation rate schedule of Algonquin Gas which may have the effect of activating the contingent gas cost provision of Texas Eastern.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11035 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-467-000, et al.]

Boston Edison Co., et al.; Electric Rate and Corporate Regulation Filings

May 9, 1986.

Take notice that the following filings have been made with the Commission:

1. Boston Edison Company

[Docket No. ER86-467-000].

Take notice that on May 5, 1986, Boston Edison Company (Edison) tendered for filing a supplemental Exhibit A to a Service Agreement for Cambridge Electric Light Company (CEL), under its FERC Electric Tariff, Original Volume No. III, Non-Firm

Transmission Service (the Tariff). The Exhibit A specifies the amount and duration of transmission service required by CEL under the Tariff.

Edison requests waiver of the Commission's notice requirements to permit the Exhibit A to become effective as of the commencement date of the transaction to which it relates, May 1, 1986.

Edison states that it has served the filing on Cambridge Electric Light Company and the Massachusetts Department of Public Utilities.

Comment date: May 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Boston Edison Company

[Docket No. ER86-468-000]

Take notice that on May 5, 1986, Boston Edison Company (Edison) tendered for filing updated charges to be paid by Cambridge Electric Light Company (Cambridge), for the support of Edison's Substation 509 located in North Cambridge, Massachusetts. These charges are filed pursuant to Boston Edison Company FPC Rate No. 101 approved by the Commission on March 11, 1975 in docket E-9254.

Edison requests waiver of the Commission's notice requirements to permit these charges to be made effective as of June 24, 1982.

Edison states that it has served the filing on Cambridge Electric Light Company and the Massachusetts Department of Public Utilities.

Comment date: May 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Cliffs Electric Service Company

[Docket No. ER86-463-000]

Take notice that on May 1, 1986, Cliffs Electric Service Company tendered for filing an Amendment to the Power Sales Agreement between Cliffs Electric Service Company (Service Company) and Wisconsin Public Power Incorporated System (WPPI). The Amendment amends the May 13, 1985, Power Sales Agreement.

The Power Sale Agreement was accepted for filing in Docket No. ER85-529 by letter dated July 8, 1985. The Amendment filed herewith extends the time during which Service Company will sell power to WPPI and revises certain of the rates, terms, and conditions of the sale. The Amendment limits options previously available to WPPI to terminate at an earlier date purchases under Transaction No. 4 and reduces slightly the energy rates in the Power Sale Agreement. The changes reflected in the April 22, 1986, letter agreement

were reached after negotiations between the parties.

Comment date: May 20, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. The Connecticut Light and Power Company

[Docket No. ER86-466-000]

Take Notice that on May 5, 1986, The Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Agreement) between CL&P, Western Massachusetts Electric Company (WMECO, and together with CL&P, the NU Companies) and Long Island Lighting Company (LILCO). The Agreement, dated as of February 21, 1986, provides for the sale by the NU Companies of system power from their systems ("system power") to LILCO on a daily or weekly basis (a transaction). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies would offer to sell such system power to LILCO only when it was economic to do so. LILCO would only accept such offer if it was economical to do so.

LILCO will pay a capacity charge to the NU Companies for each transaction in an amount equal to the megawatt-hours of system power reserved for LILCO by the NU Companies during a transaction multiplied by a capacity charge rate negotiated prior to each transaction. LILCO will pay an energy charge for each hour of each transaction in an amount equal to (i) the megawatt-hours delivered to LILCO pursuant to this Agreement for such hour, multiplied by (ii) the forecasted energy charge rate on the systems of the NU Companies for such hour.

CL&P requests that the Commission waive its customary notice period and allow the Agreement to become effective on February 21, 1986.

WMECO has filed a Certificate of Concurrence in this docket.

The Agreement has been executed by CL&P, WMECO and LILCO, and copies have been mailed or delivered to each of them.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: May 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. ER86-472-000]

Take notice that on May 6, 1986, Florida Power Corporation (Florida Power) tendered for filing a Contract for Interchange Service dated May 1, 1986

between Florida Power and Florida Municipal Power Agency (FMPA). FMPA has become the all requirements resale service supplier to the Cities of Bushnell, Leesburg, and Ocala, Florida. Florida Power and FMPA do not have an existing contract for interchange service.

Florida Power requests that the Contract for Interchange Service be made effective as a rate schedule on May 1, 1986, and therefore, requests waiver of the sixty day notice requirement. Copies of the filing have been served on the Cities of Bushnell, Leesburg, and Ocala, Florida, Florida Municipal Power Agency, and the Florida Public Service Commission.

Comment date: May 22, 1986, in accordance with Standard Paragraph E at the end of this document.

6. Kansas City Power & Light Company

[Docket No. ER86-165-000]

Take notice that on May 5, 1986, Kansas City Power & Light Company ("KCPL") tendered a supplement to its earlier filing in this Docket.

KCPL states that the purposes of this supplement is to respond to an objection to language contained in Section A of Schedule H-MPA contained in the Amendatory Agreement. The supplement accepts a cap for percentage adders on purchase and resale transactions under Section A of Schedule H-MPA. The cap is the same as the adder for purchase and resale transactions which the Commission has accepted for other similar transactions by KCPL.

Comment date: May 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. New York State Electric & Gas Corporation

[Docket No. ER86-469-000]

Take notice that New York State Electric & Gas Corporation (NYSEG), on May 5, 1986, tendered for filing proposed changes in its FERC Rate Schedules Nos. 27, 28, 30, 33 and 35. It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by about \$20,000 based on the 12-month period ended October 31, 1985.

Pursuant to Ordering Clause No. 3 of Opinion 85-8 issued by the Public Service Commission of the State of New York on April 9, 1985 at the end of NYSEG's previous major rate case, NYSEG made a "third stage" filing of revised leaves to Schedule PSC No. 115—Electricity, which were allowed to become effective April 15, 1986. These increased rates are the result of the third

and final phase-in of the Somerset generating plant into base rates. Rate Schedule PSC No. 115 is incorporated in the previously noted FERC schedules.

NYSEG has filed with its jurisdictional customers copies of this proposed notice, the filing letter, the pertinent revenue effect schedules and applicable tariff leaves.

Comment date: May 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

8. Union Electric Company

[Docket No. ER86-465-000]

Take notice that Union Electric Company, on May 2, 1986 tendered for filing a Letter Agreement dated March 20, 1986, between City of Columbia, Missouri, and Union Electric Company.

Union Electric states the purpose of the Letter Agreement is to revise the rate formula for Transmission Service.

Comment date: May 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

Virginia Electric and Power Company

[Docket No. ER86-372-000]

Take notice that Virginia Electric and Power Company on May 6, 1986, tendered for filing supplemental materials supporting its March 27, 1986 filing in Docket No. ER86-372-000 and, at the same time, submitted rate schedules to substitute for those filed March 27, 1986 to become effective only if the additional materials are found to be deficient. The alternative rates eliminate the revenues associated with the inclusion of "Other CWIP" in rate base. Based on the test period 12 months ending December 31, 1986 conditions, the alternative rate schedules will increase revenues from Rural Electric Cooperatives, other than Old Dominion Electric Cooperative (ODEC), by \$1.9 million, increase annual revenues from the Municipal Customers by \$2.5 million and increase revenues from supplemental service to ODEC by \$10.4 million. The Company has requested

waiver of the notice requirements so as to permit the alternative Phase 1 and Phase 2 rates to become effective May 27, 1986 and May 28, 1986, respectively.

Copies of the proposed alternative rates were served upon all of the Company's jurisdictional wholesale customers, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: May 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11038 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

Docket No. G-6150-001, et al.

Mobil Producing Texas & New Mexico Inc.; Application

May 12, 1986.

Take notice that on April 30, 1986, Mobil Producing Texas & New Mexico Inc. (MPTM), of Nine Greenway Plaza, Suite 2700, Houston, Texas 77046, filed an application pursuant to Section 7 of the Natural Gas Act, 15 U.S.C. 717f, and

§ 157.23 of the Commission's Regulations under the Natural Gas Act, to continue the service previously authorized to The Superior Oil Company (Superior) in the states of Texas and New Mexico, which is on file with the Commission and open to public inspection. Applicant requests that the certificates currently held by Superior be amended to show Mobil Producing Texas & New Mexico Inc. as certificate holder and that the related rate schedules be redesignated as those of Mobil Producing Texas & New Mexico Inc., all as more fully shown on the attached Exhibit "A". Mobil Producing Texas & New Mexico, Inc. also requests that it be substituted for Superior in any pending proceeding before the Commission.

By assignment dated effective April 1, 1986, The Superior Oil Company conveyed all of its interest in properties located in Texas, New Mexico and the offshore Federal waters of the U.S. outer continental shelf within the limited jurisdiction of Texas, to Mobil Producing Texas & New Mexico Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

EXHIBIT "A"

Docket No.	Rate schedule No.	Buyer	Field	ST
G-6150	1	Trunkline Gas Co.	Lake Creek, et al.	TX
G-6151	2	Tennessee Gas Pipeline Co.	Portilla	TX
G-6155	6	United Gas Pipe Line	Slick	TX
G-6183	8	El Paso Natural Gas Co.	Levelland	TX
G-6186	9	do	S. Fullerton	TX
G-6185	10	do	TXL	TX
G-6173	17	United Gas Pipe Line Co.	Slick	TX
G-6180	20	El Paso Natural Gas Co.	Canyon Largo	NM
G-8723	44	do	Eumont	NM
G-8902	63	Tennessee Gas Pipeline Co.	Chess/LaSara	TX
G-10108	66	Natural Gas Pipeline Co.	Quinduno	TX
G-11588	70	Northern Natural Gas Co.	Eumont	NM
G-12761	72	do	W. Perryton	TX
G-13632	75	West Texas Gathering Co.	S. Kermit	TX

EXHIBIT "A"—Continued

Docket No.	Rate schedule No.	Buyer	Field	ST
G-10080	83	Florida Gas Transmission Co.	Monte Christo	TX
G-10079	84	do	S. Alvin	TX
G-10081	86	do	N. Monte Christo	TX
G-10078	87	do	Algoa	TX
G-16147	88	Trunkline Gas Co.	Franks	TX
G-16261	93	Transwestern Pipeline Co.	Lipscomb	TX
C160-675	94	El Paso Natural Gas Co.	Jicarilla	NM
C180-807	100	Valley Gas Transmission	Orcones/LaHuerta	TX
C165-995	115	Natural Gas Pipeline Co.	Indian Basin	NM
C165-1263	116	El Paso Natural Gas Co.	Cinta Roja	NM
C166-1105	119	do	Three Bar	TX
C167-1075	122	Transwestern Pipeline Co.	Worsham-Bayer	TX
C168-1340	132	do	W. Perryton	TX
C169-80	135	Natural Gas Pipeline Co.	Crittendon	TX
C170-496	138	Transwestern Pipeline Co.	Bell Lake	NM
C170-972	139	do	S. Carlsbad	NM
C171-500	144	Northern Natural Gas Co.	Share	TX
C171-870	150	Natural Gas Pipeline Co.	High Island 14	TX
C174-83	162	El Paso Natural Gas Co.	Rojo Caballos	TX
C175-760	175	Transwestern Pipeline Co.	Worsham Bayer	TX
C177-484	185	do	West Atoka	NM
C177-561	189	El Paso Natural Gas Co.	Sonora	TX
C177-566	190	do	Sand Dunes	NM
C177-570	191	do	West Jal	NM
C177-627	192	Natural Gas Pipeline Co.	Sand dunes	NM
C177-619	193	El Paso Natural Gas Co.	Burton Flat	NM
C177-714	195	ANR Pipeline Co.	High Island A-323	OCS-TX
C177-720	196	do	High Island A-520	OCS-TX
C177-852	197	El Paso Natural Gas Co.	S. Carlsbad	NM
C178-252	199	Transcontinental Gas P/L	High Island 111	OCS-TX
C178-822 ¹	204	Transwestern Pipeline Co.	Horseshoe Bend	NM
C178-1030	207	Natural Gas Pipeline Co.	High Island 14	TX
C178-650	210	Columbia Gas Transmission	High Island A-337	OCS-TX
C178-1215	211	El Paso Natural Gas Co.	Angel Ranch	NM
C179-8	212	do	Parkway West	NM
C178-1265	213	do	N. Horseshoe Bend	NM
G-8920	216	do	Headless	TX
C161-427	221	Natural Gas Pipeline Co.	N.E. Thompsonville	TX
C163-884	223	Northwest Pipeline Corp.	Huerfano	NM
C164-1486	224	do	Huerfano	NM
C165-849	226	El Paso Natural Gas Co.	Basin Dakota	NM
C172-879	229	Florida Gas Transmission Co.	Aqua Dulce	TX
C165-849	230	Northwest Pipeline Corp.	Basin Dakota	NM
C166-5	231	do	Basin Dakota	NM
C175-628	223	El Paso Natural Gas Co.	Langlie-Mattix	NM
C178-108	234	do	Langlie-Mattix	NM
C179-534	235	Colorado Interstate Gas Co.	Antelope Ridge	NM
C179-102	236	Northern Natural Gas Co.	Hansford	TX
C180-213	239	Natural Gas Pipeline Co.	High Island 139	OCS-TX
C180-477	243	ANR Pipeline Co.	High Island A-555	OCS-TX
C181-72	244	do	High Island A-325	OCS-TX
C181-188	246	United Gas Pipeline Co.	High Island A-325	OCS-TX
C181-293	247	ANR Pipeline Co.	High Island A-325	OCS-TX
C181-289	248	United Gas Pipeline Co.	High Island A-325	OCS-TX
C177-802	254	ANR Pipeline Co.	High Island A-323	OCS-TX
C177-803	255	do	High Island A-520	OCS-TX
C178-405	256	Transcontinental Gas P/L	High Island 111	OCS-TX
C178-661	258	Columbia Gas Transmission	High Island A-337	OCS-TX
C180-383	261	Natural Gas Pipeline Co.	High Island 139	OCS-TX
C180-514	263	ANR Pipeline Company	High Island A-555	OCS-TX
C182-233	266	United Gas Pipeline Co.	High Island A-351	OCS-TX
C178-44	268	ANR Pipeline Co.	High Island A-323	OCS-TX
C178-36	269	do	High Island A-520	OCS-TX
C178-406	271	Transcontinental Gas P/L	High Island 111	OCS-TX
C178-657	272	Columbia Gas Transmission	High Island A-337	OCS-TX
C180-385	273	Natural Gas Pipeline	High Island 139	OCS-TX
C180-513	276	ANR Pipeline Co.	High Island A-555	OCS-TX
C181-290	277	United Gas Pipeline Co.	High Island A-325	OCS-TX
C181-292	278	ANR Pipeline Co.	High Island A-325	OCS-TX
C182-244	279	do	High Island A-351	OCS-TX
C178-2	288	do	High Island A-323	OCS-TX
C178-3	289	do	High Island A-520	OCS-TX
C178-404	290	Transcontinental Gas P/L	High Island 111	OCS-TX
C178-659	291	Columbia Gas Transmission	High Island A-337	OCS-TX
C180-476	292	ANR Pipeline Co.	High Island A-555	OCS-TX
C181-71	293	do	High Island A-325	OCS-TX
C181-182	294	United Gas Pipeline Co.	High Island A-325	OCS-TX
C182-236	295	do	High Island A-351	OCS-TX
C182-245	296	ANR Pipeline Co.	High Island A-351	OCS-TX

¹ Pending abandonment application.

[Project No. 9817-000, et al.]

Hydroelectric Applications (Cash Flow Systems, et al.); Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1. a. Type of Application: Preliminary Permit.

b. Project No.: 9817-000.

c. Date Filed: December 31, 1985.

d. Applicant: Cash Flow Systems.

e. Name of Project: Ausable.

f. Location: Ausable River in Essex and Clinton Counties, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Lawrence R. Taft, 10315 Caughdenoy Road Central Square, NY 13036, (315) 437-2547.

i. Comment Date: July 7 1986.

j. Description of Project: The purpose of project would consist of: (1) Reconstruction of the existing 8-foot-high, 160-foot-long concrete dam owned by the Village of Keeseville with a crest elevation of 380 feet msl; (2) a proposed reservoir with a surface area of 3 acres and a storage capacity of 15 acre-feet; (3) a proposed 10-foot-diameter, 230-foot-long penstock; (4) a proposed powerhouse containing a generating unit with a rated capacity of 1,500-kW; and (5) a proposed 50-foot-long transmission line tying into the existing New York State Electric and Gas Company system. The Applicant estimates a 5,200,000 kWh average annual energy production.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending on the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$21,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

2 a. Type of Application: Minor License.

b. Project No.: 9722-000.

c. Date Filed: December 26, 1985.

d. Applicant: Burlington Energy Development Associates.

e. Name of Project: Wynantskill Project.

f. Location: Wynantskill Creek in Rensselaer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. John R. Anderson, Burlington Energy Development Associates, 64 Blanchard Road, Burlington, MA 01803, (617) 229-6103.

i. Comment Date: July 7, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 13-foot-high, 110-foot-long concrete gravity dam; (2) a reservoir with a surface area of 10 acres, a storage capacity of 44 acre-feet, and a normal water surface elevation of 251 feet m.s.l.; (3) a new concrete intake structure; (4) a new 42-inch-diameter, 1,225-foot-long steel penstock; (5) an existing 13-foot-wide, 10-foot-high concrete surge tank; (6) a new concrete powerhouse containing six generating units with a capacity of 94.5 kW each for a total installed capacity of 567 kW; (7) a new transmission line, 500 feet long; (8) a 500-foot-long gravel access road; and (9) appurtenant facilities. The applicant estimates the average annual generation would be 1,200,000 kWh. The existing dam is owned by Campbell's 9 Acres, Inc., Wynantskill, New York.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

3 a. Type of Application: Minor License.

b. Project No.: 9689-000.

c. Date Filed: December 18, 1985.

d. Applicant: Wilfred and Rory Poulin.

e. Name of Project: Wynantskill.

f. Location: On the Wynantskill Creek in Rensselaer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Neal F. Dunlevy, Stetson-Dale, Architects & Engineers, 185 Genesee Street, Utica, NY 13501, (315) 797-5800.

i. Comment Date: July 7, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 15-foot-high, 200-foot-long concrete gravity dam with masonry abutments; (2) a reservoir with a surface area of 15 acres, a storage capacity of 48 acre-feet, and a normal water surface elevation of 177.0 feet m.s.l.; (3) a new concrete intake structure; (4) a new 42-inch-diameter, 2,800-foot-long steel penstock; (5) a new concrete powerhouse containing one generating unit with a capacity of 255 kW and one generating unit with a capacity of 475 kW for a

total installed capacity of 730 kW; (6) a new transmission line, 150 feet long; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 2,230,000 kWh. The existing dam is owned by the City of Troy, New York.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

4 a. Type of Application: Major License.

b. Project No.: 9073-001.

c. Date Filed: December 26, 1985.

d. Applicant: Northwest Power Company, Inc.

e. Name of Project: Lavezzola Creek, near Downieville, within the Tahoe National Forest, in Sierra County, California (Sections 28, 32, and 33 of T21N, R12E, Sections 5, 6, 7, and 18 of T20N, R12E, and Sections 13, 23, 24, and 26 of T20N, R11E, M.D.M.&B.).

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. J. Ward MacDonald, Northwest Power Company, Inc., Four Embarcadero Center, Suite 1980, San Francisco, CA 94111, (415) 433-3505.

i. Comment Date: July 2, 1986.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 6-foot-high, 70-foot-long concrete and steel diversion structure at elevation 4,500 feet msl; (2) a 6-foot-high (arched), 9-foot-wide, 1,200-foot-long tunnel; (3) a 42-inch-diameter, 11,200-foot-long steel penstock; (4) a powerhouse containing a single turbine-generator unit with a rated capacity of 4,660 kW and operating under a head of 710 feet; and (5) a 60-kV, 5-mile-long transmission line interconnecting the project to an existing Pacific Gas and Electric Company (PG&E) substation. The project's estimated average annual generation of 9.5 GWh would be sold to PG&E.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

5 a. Type of Application: Exemption (5 MW or less).

b. Project No.: 9684-000.

c. Date Filed: December 12, 1985.

d. Applicant: Weisenberger Mills.

e. Name of Project: Weisenberger Mills.

f. Location: On South Elkhorn Creek near Midway, Scott and Woodford Counties, Kentucky.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408 (16 U.S.C. 2705 and 2708).

h. Contact Person: Mr. Daniel Swan, Power Development Systems, Inc., 1712 Deerwood #3, Louisville, KY 40205-1053, (502) 451-1848.

i. Comment Date: June 16, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing masonry and concrete dam 10.5 feet high and 150 feet long; (2) an existing concrete powerhouse 20 feet square and 10 feet high containing a proposed 67-kW submerged turbine-generator; (3) a proposed 240-V three phase transmission line 65 feet long; and (4) appurtenant facilities. The project energy will be used at the mill with the surplus sold to Kentucky Utilities. The Applicant estimates that the average annual energy generation would be 214 MWh.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicant that would seek to take or develop the project.

l. This notice also consists of the following standard following paragraphs: A3, A9, B, C, and D3a.

6. a. Type of Application: Preliminary Permit.

b. Project No.: 9954-000.

c. Date Filed: March 25, 1986.

d. Applicant: Burlington Hydro Associates.

e. Name of Project: Mississippi Lock & Dam No. 18.

f. Location: On the Mississippi River in Henderson County, Illinois and Des Moines County, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. J. Kirk Rector, Burlington Hydro Associates, 5041 S. Boabab Drive, Salt Lake City, UT 84117, (801) 272-2030.

i. Comment Date: July 7, 1986.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers Mississippi River Lock and Dam No. 18, having a water surface elevation of 528.0 feet msl and would consist of: (1) Four new steel penstocks each 60 feet long and 19 feet in diameter; (2) a new concrete powerhouse 80 feet by 240 feet containing four turbine/generator units having a total installed capacity of 28 MW operating at 9.37 feet of hydraulic head; (3) a new rock tailrace approximately 100 feet long, 200 feet wide, and 5 feet deep; (4) a new 1.5-mile-long 69-kV transmission line; and (5) appurtenant facilities. The Applicant estimates the average annual energy production to be 170 GWh.

k. Purpose of Project: The Applicant intends to sell the power generated at the proposed facility to the Iowa-Illinois Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope under this Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license.

Applicant estimates that the cost of the studies under permit would be \$155,000.

7. a. Type of Application: Preliminary Permit.

b. Project No.: 9952-000.

c. Date Filed: March 24, 1986

d. Applicant: Warren Osborne.

e. Name of Project: Sixmile Creek.

f. Location: On Sixmile Creek in Adams County, Idaho, Township 20N and Range 2E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Carl L. Myers, 750 Warm Springs Avenue, Boise, ID, 83712, (208) 336-1425.

i. Comment Date: June 30, 1986.

j. Description of Project: The proposed project would consist of: (1) A 2-foot-high check dam at elevation 5160 feet; (2) an 11,500-foot-long, 22-inch-diameter penstock; (3) a powerhouse containing a generating unit with a capacity of 2,850 kW and an average annual generation of 5,117 MWh; and (4) an 0.5-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 18 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of \$25,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

8 a. Type of Application: Preliminary Permit.

b. Project No.: 9975-000.

c. Date Filed: April 17, 1986.

d. Applicant: City of Tacoma, Washington.

e. Name of Project: Howard Hanson.

f. Location: At the Corps of Engineers Howard Hanson Dam on the Green River, in King County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: E.E. Coates, City of Tacoma, Department of Public Utilities, P.O. Box 11007, Tacoma, Washington 98411, (206) 383-2471.

i. Comment Date: July 10, 1986.

j. Description of Project: The proposed project would utilize the Corps of Engineers Howard Hanson Dam and would consist of: (1) An intake structure at the dam; (2) a 2,640-foot-long, 11-foot-diameter penstock to the upper powerhouse; (3) an upper powerhouse containing a generating unit with a capacity of 2.5 MW; (4) a 3,000-foot-long, 12-foot-diameter tunnel; (5) a 14,600-foot-long, 11-foot-diameter penstock to the lower powerhouse; (6) a lower powerhouse containing three generating units, with a combined capacity of 24.5 MW; and (7) a 1,000-foot-long transmission line. The average annual generation would be 94 GWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of \$250,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

9 a. Type of Application: New License.

b. Project No.: 1250-001.

c. Date Filed: December 31, 1984, and amended on January 31, 1986.

d. Applicant: City of Pasadena Water and Power Department.

e. Name of Project: Azusa Water Power Project.

f. Location: On the San Gabriel River, in Los Angeles County, California.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Karl A. Johnson, General Manager, City of Pasadena Water and Power Department, 100 North Garfield Avenue, Pasadena, California 91109, (818) 405-4420.

i. Comment Date: July 7, 1986.

j. Expiration Date of Initial License: Applicant's initial license for Project No. 1250 expired on May 31, 1984. The project is currently under annual license.

k. Description of Project: The existing project would utilize waters released

from the Los Angeles County Flood Control District's (District) San Gabriel Reservoir through a 30-foot-diameter, 1,850-foot-long outlet tunnel at the end of which the powerhouse for the exempted San Gabriel Project No. 8764 will be located. The existing project starts at the tailrace of Project No. 8764 and consists of: (1) A 30-foot-diameter, 50-foot-long tunnel; (2) a small stilling basin; (3) a 5.83-mile-long horseshoe shape tunnel, 4.75 feet wide and 5.3 feet high; (4) a 40-foot by 18-foot forebay at elevation 1,147 feet; (5) a 38-inch-diameter, 797-foot-long penstock; (6) a powerhouse containing a single generating unit with installed capacity of 3,000 kW, operating under a head of 400 feet; (7) a switchyard; (8) a 12-kV transmission line approximately 500 feet long connecting the project with the Southern California Edison Company's (SCE) transmission line west of the powerhouse.

The project does not include any recreational facilities and none is proposed by the Applicant. Applicant estimates the replacement cost of the project at \$34 million.

l. Purpose of Project: The annual generation of 11.5 million KWh is sold to SCE.

m. This notice also consists of the following standard paragraphs: B, C, and D1.

10 a. Type of Application: Preliminary Permit.

b. Project No.: 9955-000.

c. Date Filed: March 25, 1986.

d. Applicant: Lowman Associates.

e. Name of Project: Deadwood Dam.

f. Location: At the Bureau of Reclamation's Deadwood Dam in Valley County, Idaho, Township 11N and Range 7E.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: J. Kirk Rector, 5041 S. Boabab Drive, Salt Lake City, UT 84117.

i. Comment Date: June 27, 1986.

j. Description of Project: The proposed project would utilize the existing Deadwood Dam, reservoir, and outlet pipes. New construction would include: (1) A 160-foot-long, 30-inch-diameter steel penstock from the dam outlet pipes to the powerhouse (2) a powerhouse containing one generating unit with a capacity of 8,000 kW and an average annual generation of 18.6 GWh and (3) a 22-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for the term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of \$155,000.

No new roads would be constructed. Core drilling would be conducted during the feasibility study.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

11 a. Type of Application: Preliminary Permit.

b. Project No.: 9762-000.

c. Date Filed: December 30, 1985.

d. Applicant: Re-Enertech, Inc.

e. Name of Project: Sheep Creek.

f. Location: On Sheep Creek, in the Borough of Juneau, Alaska.

g. Filed Pursuant to: Federal Power Act U.S.C. 791(a)-825(r).

h. Contact Person: James D. Franklin, P.O. Box 1037, Oak Harbor, WA 98277, (206) 679-4342.

i. Comment Date: June 25, 1986.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high crib dam at elevation 620 feet; (2) a 2,687-foot-long, 36-inch-diameter penstock; (3) a powerhouse containing a generating unit with a capacity of 2,200 kW and an average annual generation of 4.5 GWh; and (4) a 0.25-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of \$22,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

12 a. Type of Application: Preliminary Permit.

b. Project No.: 9866-000.

c. Date Filed: January 3, 1986.

d. Applicant: Birch Power Company.

e. Name of Project: Williams Creek.

f. Location: On Williams Creek, in Franklin County, Idaho. Township 12S and Range 41E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Ted S. Sorenson, 550 Linden Drive, Idaho Falls, ID 83401, (208) 522-8069.

i. Comment Date: June 30, 1986.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high embankment dam at elevation 5,540 feet; (2) a 13,500-foot-long, 28-inch-diameter penstock; (3) a powerhouse containing a generating unit with a capacity of 725 kW and an average

annual generation of 4,700 MWh; and (4) a 0.25-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of \$15,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold to Utah Power and Light.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

13 a. Type of Application: Preliminary Permit.

b. Project No.: 9763-000.

c. Date Filed: December 30, 1985.

d. Applicant: Re-Enertech, Inc.

e. Name of Project: Nugget Creek.

f. Location: In Tongass National Forest, on Nugget Creek, in the Borough of Juneau, Alaska. Township 40S and Range 66E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: James D. Franklin, P.O. Box 1037, Oak Harbor, WA 98277, (206) 679-4342.

i. Comment Date: June 25, 1986.

j. Description of Project: The proposed project would consist of: (1) A 25-foot-high crib dam at elevation 600 feet; (2) a 6,582-foot-long, 48-inch-diameter penstock; (3) a powerhouse containing a generating unit with a capacity of 2,200 kW and an average annual generation of 4.5 GWh; and (4) a 0.25-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of \$22,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent

allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications or notices of intent to file competing development applications, must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to

and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to

provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be set to the Applicant's representatives.

D2. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Agency Comments—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Agency Comments—The U.S. Fish and Wildlife Service and the State

Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: May 12, 1986.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11039 Filed 5-15-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER86-471-000]

Arizona Public Service Co.; Filing

May 8, 1986.

Take notice that Arizona Public Service Company (APS) on May 5, 1986, tendered for filing a schedule of "Established Transmission Service Rates" for transmission services provided under the auspices of the Revised Inland Power Pool Agreement (FERC Rate Schedule NO. 104).

The schedule of Established Transmission Service Rates proposes rates for non-firm transmission service that are consistent with previously accepted Commission rates for similar service in other FERC rate schedules.

APS requests waiver of the notice requirements so that the rate can become effective upon the date of filing.

Copies of this filing are being served upon the Arizona Corporation Commission and all the parties to the Revised Inland Power Pool Agreement.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington,

DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before May 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11041 Filed 5-15-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ID-1927-003]

Clifford L. Greenwalt; Filing

May 9, 1986.

Take notice that on April 28, 1986 Clifford L. Greenwalt tendered for filing an application to hold the following position:

Position, Name of Corporation, and Classification

Director, CIPS, Public Utility

Any person desiring to be heard or to protest the Application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's rules of practice and procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before May 21, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11042 Filed 5-15-86; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6920-005]

DCH Development Co.; Surrender of Exemption

May 12, 1986.

Take notice that DCH Development Company, Exemptee for the proposed Cascade Dam Hydroelectric Project No. 6920, has requested that his exemption

be terminated. The exemption was issued on March 3, 1983. The project would have been located at South Fork of Deer Creek at the Cascade Dam, in Nevada County, California. No construction has commenced at this project.

The Exemptee filed the request on April 17, 1986, and the exemption for Project No. 6720 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11037 Filed 5-15-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP86-470-000, et al.]

Gas Gathering Corporation, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Gas Gathering Corporation

[Docket No. CP86-470-000]

May 7, 1986.

Take notice that on April 22, 1986, Gas Gathering Corporation (GGC), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP86-470-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to transport natural gas on behalf of Anchor Gasoline Corporation (Anchor) under the certificate issued in Docket No. CP86-129-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The proposed transportation service commenced on April 5, 1986, pursuant to the 120-day self-implementing provisions of § 284.223(a)(1) of the Regulations. GGC states that the transportation would be performed under the terms of Rate Schedule T-1 and would be for an initial term through December 5, 1986, and month to month thereafter. It is stated that the maximum daily deliveries under the agreement would be 550 MMBtu.

Comment date: June 23, 1986, in accordance with Standard Paragraph G at the end of this notice.

2. Algonquin Gas Transmission Company

[Docket No. CP86-480-000]

May 9, 1986.

Take notice that on April 28, 1986, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP86-480-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of firm natural gas to eleven existing resale customers, under existing Rate Schedule F-4, and the construction and operation of facilities necessary for such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that as a result of additional gas supply of 4,612 MMBtu equivalent of natural gas per day offered to it by its principal supplier, Texas Eastern Transmission Corporation (TETCO), Applicant proposes to offer such additional gas to the following of its existing resale customers under its existing Rate Schedule F-4:

Customer	Rate schedule F-4 additional maximum daily quantities (million Btu)	Rate schedule F-4 additional annual contract quantities (million Btu)
Bay State Gas Co.	578	210,970
Bristol and Warren Gas Co.	34	12,410
Colonial Gas Co.	200	73,000
Commonwealth Gas Co.	1,226	447,490
The Connecticut Light & Power Co.	890	324,850
Fall River Gas Co.	252	91,980
City of Norwich, CT	77	28,105
The Pequot Gas Co.	9	3,285
Providence Gas Co.	808	294,920
South County Gas Co.	21	7,665
The Southern Connecticut Gas Co.	517	188,705
Total	4,612	1,683,380

In order to provide the proposed sales service on a firm basis, Applicant states that it must construct the following loops: (1) 2.5 miles of 16-inch pipeline loop would be added to Applicant's existing G-3 system near Dartmouth, Massachusetts; and (2) 1.4 miles of 12-inch pipeline loop, will be added to Applicant's existing G-10 system near Berkley, Massachusetts. Applicant states that the total cost of the facilities is estimated to be \$3,985,100. Applicant states it would initially finance this cost of constructing the proposed facilities through revolving credit arrangements, short-term loans, and funds on hand, with permanent financing to be undertaken at a later date as part of Applicant's overall long-term financing program.

Applicant states that it would render the proposed firm sales service upon the completion of required facilities and availability of firm service from TETCO, which presently is scheduled to commence on or about November 1, 1986.

Comment date: May 28, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. United Gas Pipe Line Company

[Docket No. CP86-482-000]

May 9, 1986.

Take notice that on April 29, 1986, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP86-482-000 an application pursuant Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Air Products and Chemicals, Inc. (Air Products), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that Air Products owns and operates an industrial facility near Floridatown, Santa Rosa County, Florida. Pursuant to an agreement executed November 1, 1984, United has, under Order No. 319, transported natural gas to Air Products' facility for use as process gas and feedstock. Although the agreement provides that additional delivery points may be added by mutual agreement, the Commission has held that United may not transport gas delivered through delivery points that were not specified in the agreement on October 9, 1985. United states that its application is filed, in part, to restore its ability to add delivery points related to Air Products' sources of supply and to authorize the transportation of gas for use as boiler fuel, process gas and feedstock.

United states that it would transport, on an interruptible basis, up to 35,000 Mcf per day to an existing point of interconnection between the facilities of United and Air Products located near Floridatown, Santa Rosa County, Florida. United advises that there are currently 32 delivery points. However, new delivery points would be allowed periodically during the term of the agreement, if the parties mutually agreed. United could accept or refuse tenders in excess of 35,000 Mcf per day. The initial rate for the transportation would be 42.84 cents per Mcf, which is United's currently effective Northern Zone transportation rate, including components for fuel and GRI.

The agreement would remain in effect until October 1, 1989, and would

continue on a year-to-year basis thereafter. However, either party could terminate the agreement prior to October 1, 1989, by giving the other party 24 months advance written notice. For termination thereafter, six months prior notice is required.

Comment date: May 28, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is

filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11034 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-474-000, et al.]

Great Lakes Gas Transmission Company, et al.; Natural Gas Certificate Fillings

May 12, 1986.

Take notice that the following filings have been made with the Commission:

1. Great Lakes Gas Transmission Company

[Docket No. CP86-474-000]

Take Notice that on April 23, 1986, Great Lakes Gas Transmission Company, 2100 Buhl Building, Detroit, Michigan 48226 (Petitioner), filed in Docket No. CP86-474-000 a petition to amend the Commission's order issued February 10, 1986, in Docket No. CP79-464-010, *et al.*, 34 FERC ¶ 61,185, pursuant to section 7(c) of the Natural Gas Act, so as to authorize an increase in transportation volumes, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it seeks authorization to render transportation service, for the contract year beginning November 1, 1986, for Texas Eastern Transmission Corporation (TETCO) of volumes of natural gas to be purchased by TETCO from ProGas Limited, in the quantity of 75,000 Mcf of gas per day, instead of the 37,500 Mcf per day currently authorized for such contract year.

Petitioner states that pursuant to an order issued June 10, 1981, 15 FERC ¶ 61,154, as amended by the orders issued July 18, 1985, and February 10, 1986, Petitioner is currently authorized to transport up to 75,000 Mcf of gas per day for TETCO. Petitioner further states that current authorization provides for transportation service for TETCO of up to 75,000 Mcf per day and an amount equal to 50 percent of 75,000 Mcf of gas per day during the contract year beginning November 1, 1986. Petitioner states that TETCO has requested in an April 4, 1986, letter that TETCO's level

of transportation volumes remain at 75,000 Mcf per day commencing November 1, 1986.

Comment date: June 2, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Standard Gas Marketing Company

[Docket No. CP86-448-000]

Take notice that on April 16, 1986, Standard Gas Marketing Company (SGM), 5151 San Felipe, Houston, Texas 77056, filed in Docket No. CP86-448-000 an application pursuant to section 7 of the Natural Gas Act and Subpart E of Part 157 of the Commission's Regulations for an optional expedited certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities and the transportation of natural gas through such facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

SGM proposes to construct and operate 30.0 miles of 8-inch pipeline from an interconnection with ANR Pipeline Company's (ANR) pipeline in Bolivar County, Mississippi, to a pulp and paper mill in Desha County, Arkansas, owned and operated by Potlatch Corporation (Potlatch) and to transport gas through such facilities for Potlatch. SGM estimates that the cost of the proposed facilities would be \$4,111,000 and states that such facilities would be financed from funds on hand or funds obtained from SGM's parent company, Standard Oil Production Company (Standard).

It is stated that pursuant to a natural gas sales agreement dated August 29, 1985, as amended, Potlatch is obligated to purchase from SGM, once SGM has the necessary facilities in place, its requirements for natural gas for use in its pulp and paper mill located near Cypress Bend, Desha County, Arkansas. The agreement, it is indicated, is for a primary term of five years and year to year thereafter until terminated by either party. It is explained that the Potlatch mill is located within forty miles of several points on the existing interstate pipeline system of ANR and that under a transportation agreement dated October 10, 1985, between SGM and Potlatch, SGM is obligated to seek approval for the construction of facilities connecting the Potlatch mill to ANR's system and the transportation of gas for Potlatch through those facilities. Initially, it is contemplated that SGM would be transporting gas purchased by Potlatch from SGM, with Potlatch's taking title to the gas at the point of interconnection between the SGM and

ANR facilities. However, it is not that the transportation agreement obligates SGM to transport gas for Potlatch for a period of at least five years after sales terminate.

It is stated that under a transportation agreement dated November 19, 1985, as amended February 13, 1986, ANR has agreed to transport gas for SGM from certain specified points of receipt onshore and offshore Texas and in Oklahoma and Kansas to the proposed point of interconnection with the SGM facilities for which approval is sought herein. It is further stated that on February 26, 1986, ANR filed with the Commission, in Docket No. CP86-348-000, an application for a certificate of public convenience and necessity authorizing it to provide the transportation services contemplated by the agreement.

It is explained that Potlatch does not presently have a supplier of gas for its Cypress Bend pulp and paper mill. The proposal herein would, it is asserted, enable SGM to provide Potlatch with economic natural gas for use in its process equipment, which has been recently modified to permit dual fuel operation. It is further asserted that this service would eliminate Potlatch's sole dependence on fuel oil, would enable Potlatch to obtain natural gas service at market sensitive prices, and would contribute to an overall lowering of its cost of manufacturing.

SGM states that concurrently with the filing of the instant application it has filed an application in Docket No. CP86-449-000 for a blanket transportation certificate under Section 284.221 of the Commission's Regulations.

Comment date: June 2, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Tennessee Gas Pipeline Company, a Division of Tenneco Inc. United Gas Pipe Line Company

[Docket No. CP86-434-000]

Take notice that on April 11, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001 and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP86-434-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee and United propose to exchange up to 5,000 Mcf of natural gas

per day from sources of supply in the vicinity of each other's pipeline systems in Cameron and Lafayette Parishes, Louisiana. It is stated that United would deliver natural gas to Tennessee at a point of receipt in the Little Chenier field, Cameron Parish, Louisiana. It is further stated that natural gas delivered to United by or for the account of Tennessee would be delivered to United at the following points of delivery: (1) United's existing common point connection in South Grand Chenier field, Cameron Parish, Louisiana; (2) United's existing common point connection in the Ridge field, Lafayette Parish, Louisiana; and (3) United's existing common point connection in the Grand Chenier field, Cameron Parish, Louisiana.

Tennessee and United state that all natural gas exchanged under the gas exchange agreement dated June 12, 1984, is at no charge to either party provided, however, there are no imbalances. For excess gas transported and delivered by United to Tennessee at the Tennessee balancing points, the amount to be paid by Tennessee to United would be an amount, per Mcf, equal to one-half of United's transportation rate in effect from time to time in United's Southern Rate Zone and/or one-half of United's transportation rate in effect from time to time in United's Northern Rate Zone, depending upon the zone in which such excess gas is delivered. For all excess gas delivered by Tennessee to United at the United balancing points, the amount to be paid by United to Tennessee for such service would be based on Tennessee's system average transmission costs.

It is stated that in the event of an imbalance, the natural gas from such imbalance would be transported and delivered by the party receiving such excess natural gas to certain balancing points of delivery. It is further stated that excess natural gas delivered by United to Tennessee would be delivered at the following balancing points: (1) The existing interconnection between Tennessee and United located near Iowa, Calcasieu Parish, Louisiana; (2) the existing interconnection between Tennessee and United near Centerville, St. Mary Parish, Louisiana; and (3) the existing point of interconnection between Tennessee and United near West Monroe, Ouachita Parish, Louisiana. To the extent that Tennessee delivers excess gas to United, it is indicated that such natural gas would be delivered at the following balancing points: (1) the existing interconnection between Tennessee and United near Iowa, Calcasieu Parish, Louisiana; (2)

the outlet of the Champlin gas processing plant in Panola County, Texas; and (3) the existing interconnection between Tennessee and United near Wharton, Wharton County, Texas.

Comment date: June 2, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP86-465-000]

Take notice that on April 21, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP86-465-000 an application pursuant to section 7(c) of the Natural Gas Act and Subpart E of Part 157 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the sale of natural gas for resale in interstate commerce, on an interruptible basis, and the operation of certain existing measurement facilities to make such sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee requests authorization to make a sale for resale to Cameron Gas Company (Cameron), on an interruptible basis, of up to 20 billion Btu of natural gas per day pursuant to an interruptible gas sales contract, dated April 17, 1986. It is stated that Cameron owns and operates a gas distribution system in West Virginia. It is explained that Cameron intends to purchase such gas for resale to various industrial end-user customers.

Tennessee proposes to deliver gas to Cameron at the following points:

1. Interconnection of Tennessee and Mountaineer Gas Company (Mountaineer Gas) at Tennessee's meter No. 2-0614, Cabell County, West Virginia;
2. Interconnection of Tennessee and Mountaineer Gas at Tennessee's meter No. 2-0615, Kanawha County, West Virginia;
3. Interconnection of Tennessee and Columbia Gas Transmission Corporation (Columbia Gas) at Tennessee's meter No. 2-0027, Kanawha County, West Virginia;
4. Interconnection of Tennessee and Columbia Gas at Tennessee's meter No. 2-0001, Kanawha County, West Virginia; and/or
5. Interconnection of Tennessee and Consolidated Gas Supply Corporation at Tennessee's meter No. 2-0044, Kanawha County, West Virginia.

It is explained that with the exception of the metering facilities connecting Mountaineer Gas' system, the meters proposed to be utilized are existing certificated sales meters. It is stated that

with respect to the metering facilities connecting Mountaineer Gas' system, Tennessee seeks authorization to operate the existing facilities in interstate commerce. Tennessee further states that these facilities were installed to render a transportation service pursuant to section 311 of the Natural Gas Policy Act of 1978 on behalf of Mountaineer Gas and pursuant to § 284.3(c) of the Commission's Regulations are not jurisdictional. Tennessee requests authorization to operate the facilities to make the jurisdictional sale proposed herein.

Tennessee states that it proposes to charge Cameron each month a negotiated sales rate for each dt equivalent of natural gas delivered by Tennessee for Cameron's account at the delivery points. Tennessee requests authorization to have several negotiated gas sales rates applicable to the dt of gas sold by Tennessee to Cameron each month. Tennessee proposes that these rates, to be agreed upon monthly, would not exceed the maximum gas sales rate currently calculated to be \$3.06, or be less than the minimum gas sales rate, currently calculated to be \$2.66. Tennessee also requests authority to charge Cameron an overrun quantity penalty, emergency quantity charge, or an incremental pricing surcharge.

Additionally, as provided for in Subpart E of Part 157, Tennessee requests conditional pregranted abandonment authorization at the expiration of its gas sales contract with Cameron.

Comment date: June 2, 1986, in accordance with Standard Paragraph F at the end of this notice.

5. United Gas Pipe Line Company

[Docket No. CP86-475-000]

Take notice that on April 25, 1986, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP86-475-000, a request pursuant to §§ 157.205 and 157.211 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authority to construct and operate a sales tap under the certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to install a 2-inch sales tap on its 4-inch Avery Island pipeline in Iberia Parish, Louisiana. In order to sell and deliver up to 124 Mcf of natural gas per day to Entex, Inc. (Entex), a local distribution company, for resale to residential and commercial

customers in Entex's New Iberia, Louisiana, Service Area. Applicant states that it is authorized in Docket No. CP71-89-000 to sell and deliver natural gas to Entex for resale under Applicant's Rate Schedule DG-S. Applicant further states that the proposed construction and operation would not result in an increase in Entex's aggregate base requirements or contractual MDQ, nor would it have an adverse impact upon any of Applicant's other existing customers.

Comment date: June 26, 1986, in accordance with Standard Paragraph G at the end of this notice.

6. United Gas Pipe Line Company

[Docket No. CP86-476-000]

Take notice that on April 25, 1986, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP86-476-000 a request, pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205), for authorization to construct and operate a 2-inch sales tap on United's 16-inch pipeline in Ouachita Parish, Louisiana, under the certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that the proposed sales tap would enable United to sell and deliver to Trans Louisiana Gas Company Inc. (Transla), the local distributor, an estimated daily volume of up to 100 Mcf of natural gas on an average day, and 160 Mcf on a peak day, for resale to residential users in the Many, Louisiana, service area. United advises that Transla is an existing total requirements customer and purchases gas under United's Rate Schedule G-N pursuant to a service agreement dated August 27, 1981. United avers that its proposal would not impact Transla's current base requirement (the maximum daily quantity is stated to be 4,075 Mcf) or minimum daily requirement.

Comment date: June 26, 1986, in accordance with Standard Paragraph G at the end of this notice.

7. Williston Basin Interstate Pipeline Company

[Docket No. CP86-450-000]

Take notice that on April 17, 1986, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP86-450-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to

abandon a sales tap and appurtenant facilities under the authorization issued in Docket Nos. CP82-487-000 *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in its request which is on file with the Commission and open to public inspection.

Williston Basin proposes to abandon one sales tap and appurtenant facilities located on its natural gas transmission system in McLean County, North Dakota. It is stated the customer, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., no longer requires the tap and facilities because its customers' site has been acquired by the North Dakota Highway Department through right-of-way acquisition. It is stated that the abandonment of the sales tap would have no effect upon existing rates and no impact upon Williston Basin's peak-day and annual requirements. Williston Basin further states that since such sales tap would be abandoned on its existing transmission right-of-way, there would be no significant adverse impact on the environment.

Comment date: June 26, 1986, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11033 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 8507-001, *et al.*]

HydroPool, *et al.*; Surrender of Preliminary Permits

May 12, 1986.

Take notice that the following preliminary permits have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. HydroPool

[Project No. 8507-001]

Take notice that HydroPool, Permittee for the Eagle Creek Project, FERC No. 8507, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 8507 was issued on March 14, 1985, and would have expired on August 31, 1986. The project would have been located on Eagle Creek, in Trinity County, California.

The Permittee filed the request on April 18, 1986.

2. Utah Municipal Power Agency

[Project No. 7316-002]

Take notice that Utah Municipal Power Agency, Permittee for the Thistle Lake Power Project, FERC No. 7316, has

requested that its preliminary permit be terminated. The preliminary permit for Project No. 7316 was issued on March 20, 1984, and would have expired on February 28, 1987. The project would have been located on Spanish Fork River, in Utah County, Utah.

The Permittee filed the request on April 17, 1986.

Standard Paragraphs

I. The preliminary permit shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11040 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-47-002]

MIGC, Inc.; Compliance Filing

May 9, 1986.

Take notice that on May 1, 1986, MIGC, Inc. (MIGC) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Thirty-Seventh Revised Sheet No. 32. MIGC states that the filed sheet reflects changes made effective through the Commission's approval on April 3, 1986 of a contested settlement in Docket No. RP84-15, *et al.* and MIGC's latest purchase gas cost adjustment in the above-referenced docket. According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until May 5, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before May 20, 1986. (18 CFR 385.214, 385.211). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11044 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-57-006]

Natural Gas Pipeline Co. of America; Compliance Filing

May 9, 1986.

Take notice that on April 25, 1986, Natural Gas Pipeline Company of America (Natural) tendered for filing Fourth Revised Sheet No. 5E to be a part of its FERC Gas Tariff, Third Revised Volume No. 1. Natural states that the purpose of this sheet is to set out the threshold percentages and discount rates applicable to Rate Schedule IOS for the month of May, 1986. Natural further states that this filing is being made in accordance with the provisions of Rate Schedule IOS which was authorized by FERC order issued March 13, 1986, at Docket No. CP85-57-003.

Natural has mailed copies of this filing to its jurisdictional customers and to interested regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before May 16, 1986. (18 CFR 385.214, 385.211). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11045 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-474-000]

Southern California Edison Co.; Filing

May 9, 1986.

Take notice that, on May 7, 1986, Southern California Edison Company ("Edison") tendered for filing an agreement entitled "Edison-Arizona Interruptible Transmission Service Agreement", which has been executed

by Edison and the Arizona Public Service Company (APS').

Under the terms and conditions of the Agreement, Edison will make available to APS interruptible transmission service from a specified point of receipt to a specified point of delivery.

The Agreement is proposed to become effective when executed and accepted for filing by the Commission, with a proviso that if the Commission enters into a hearing to determine whether the Agreement is just and reasonable, the Agreement will not become effective until the date when an order no longer subject to judicial review has been issued by the Commission determining the Agreement to be just and reasonable without changes or new conditions unacceptable to either party.

Copies of the filing were served upon the Public Utilities Commission of the State of California and APS.

Any person desiring to be heard or to protest this application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with section 211 or 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11043 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA86-18-000]

Zinn Petroleum Co.; Petition for Adjustment

May 12, 1986.

On March 28, 1986, Zinn Petroleum Company (Zinn) filed with the Federal Energy Regulatory Commission a petition for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) ¹ and Subpart K of the Commission's Rules of Practice and Procedure.² Zinn seeks waiver of its

¹ 15 U.S.C. 3412(c) (1982).

² 18 CFR Part 385, Subpart K (1985).

obligation under Commission Order Nos. 399, 399-A, and 399-B³ requiring payment of Btu adjustment refunds by first sellers of natural gas.

Zinn, operator of the Daniel-Pierce No. 1 Well, Matagorda County, Texas, states that a working interest owner in the well, Partners Oil Company (Partners), has declined, on the grounds of bankruptcy, to pay \$4,194.13 in Btu adjustment refunds. Zinn had sold the gas from this well to Dow Chemical U.S.A. which is seeking the Btu refund from Zinn. Upon Zinn's request that Partners pay its share of this refund, Partners declined, stating that the U.S. Bankruptcy Court for the Southern District of Texas had confirmed a plan of reorganization for Partners and that Partners was thereby released from all pending claims. Partners further stated that since the refund claim was a pre-bankruptcy petition claim and was not filed with the Court, nothing was allowed for it in the confirmed plan. Zinn requests a waiver of responsibility for payment of the refund amount attributable to Partners' working interest in the well.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the *Federal Register*.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11046 Filed 5-15-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59188B FRL-3017-8]

Toxic and Hazardous Substances Control; Extension of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's extension of the test marketing period of a test marketing exemption (TME) under

section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-85-32. The new test marketing conditions are described below.

EFFECTIVE DATE: May 8, 1986.

FOR FURTHER INFORMATION CONTACT: Eileen Gibson, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, Room E-609, 401 M Street, SW., Washington, DC 20460, (202-382-3394).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby extends TME-85-32. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the original TME application and extension request, and for the time periods and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and number of customers must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-85-32. A bill of lading accompanying each shipment must state that the use of the substance is restricted to those approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substance produced.
2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.
3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

T-85-32

Date of Receipt: March 19, 1985.

Notice of Receipt: March 29, 1985 (50 FR 12626).

Applicant: CP Chemicals, Inc.

Chemical: (S) Lead methanesulfonate.

Use: (S) Lead salt in electroplating operations.

Production Volume: 10,000 pounds.

Number of Customers: Six.

Worker Exposure: Manufacture: dermal and inhalation, a total of up to 3 workers, up to 2 hrs/day for up to 20 days/year each. Use: dermal and inhalation, a total of up to 6 workers, up to 8 hours/day for up to 28 days/year each.

Notice of Approval of Test Marketing Exemption: May 7, 1985 (50 FR 19228).

Original Test Marketing Period: Twelve months.

Modified Test Marketing Period: Six months.

Commencing on: May 8, 1986.

Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: May 8, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86-11073 Filed 5-15-86; 8:45am]

BILLING CODE 6560-50-M

[OPTS-59188B; FRL-3017-4]

Toxic and Hazardous Substance Control; Extension of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's extension of the test marketing period of a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-85-53. The new test marketing conditions are described below:

EFFECTIVE DATE: May 8, 1986.

FOR FURTHER INFORMATION CONTACT: Eileen Gibson, Premanufacture Notice

³ 49 Fed. Reg. 37,735 (1984), FERC Stats. & Regs. [Regulations Preambles 12982-1985] ¶ 30,597; 49 FR 46,353 (1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612; and 50 FR 30,141 (1985), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,651.

Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, Room E-609, 401 M Street SW., Washington, DC 20460 (202-382-3394).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby extends TME-85-53. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the original TME application and extension request, and for the time periods and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and number of customers must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-85-53. A bill of lading accompanying each shipment must state that the use of the substance is restricted to those approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substance produced.
2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.
3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

T-85-53

Date of Receipt: June 20, 1985.

Notice of Receipt: June 28, 1985 (50 FR 26840).

Applicant: CP Chemicals, Inc.

Chemical: (S) Copper (2+) methanesulfonate.

Use: (S) Copper salt in electroplating operations.

Production Volume: 4545 kilograms.

Number of Customers: Six.

Worker Exposure: Manufacture: A total of 4 workers at 1 site for up to 3 hours per day, 20 days per year. Use: A total of 6 workers per site, at 6 sites for up to 8 hours per day, 28 days per year.

Notice of Approval of Test Marketing Exemption: August 6, 1985 (50 FR 31770).

Original Test Marketing Period:

Twelve months.

Modified Test Marketing Period: Six months.

Commencing on: May 8, 1986.

Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: May 8, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86-11074 Filed 5-15-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59221; FRL-3017-7]

Dimethyl Siloxane Copolymer; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacture notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: June 2, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59221]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Hearing Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86-42

Close of Review Period: June 19, 1986.

Manufacturer: Confidential.

Chemical: (G) Dimethyl siloxane copolymer.

Use/Production: (G) Coating component. Prod. range: Confidential.

Toxicity Data: No data submitted.

Exposure: Confidential.

Environmental Release/Disposal: Confidential.

Dated: May 12, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-11075 Filed 5-15-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3016-6]

Environmental Impact Statement; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed May 5, 1986 Through May 9, 1986 Pursuant to 40 CFR 1506.9.

EIS No. 860179, Draft, COE, TX, Trinity River and Tributaries Flood Plain Development Project. Permits, Dallas, Denton and Tarrant Counties, Due: June 30, 1986, Contact: Rebecca Doby (807) 334-2095.

EIS No. 860180, Report, COE, VA, Norfolk Harbor and Channels, Deepening and Dredged Material Disposal Site Plan, Summarized Investigation Results, Contact: Richard Muller (804) 441-3767.

EIS No. 860181, Final, FHW, OR, Alsea River Bridge Replacement, Oregon Coast Highway/US 101, Waldport, Lincoln County, Due: June 16, 1986, Contact: Dale Wilken (503) 399-5749.

EIS No. 860182, Final, FHW, AZ, Arizona Forest Highway 1/AZ-67 Reconstruction, Jacob Lake to Grand Canyon National Park, Coconino County, Due: June 16, 1986, Contact: Robert Arsensdorf (303) 236-3468.

EIS No. 860183, Final, CDB, NY, Brooklyn Renaissance Plaza Development, Construction, Kings County, Due: June 16, 1986, Contact: Michael Spies (212) 619-5000.

EIS No. 860184, Final, BPA, ID, MT, OR, WA, Direct Service Industry Options on Reducing Load Fluctuations and Revenue Uncertainties, Due: June 02, 1986, Contact: Anthony Morrell (503) 230-5136.

EIS No. 860185, Final, BOP, PA, Bradford Federal Correctional Institution Complex, Construction and Operation, McKean County, Due: June 16, 1986, Contact: Loy Hayes (202) 272-6536.

EIS No. 860186, Final, AFS, MT, SD, NC, Custer National Forest, Noxious Weed Treatment Program, Due: June 16, 1986, Contact: David Filius (406) 657-6361.

Amended Notices

EIS No. 860013, DRevised, AFS, NM, Santa Fe National Forest, Land and Resource Management Plan, Due: May 30, 1986, Published FR 1-24-86—Review period extended.

EIS No. 860166, Final, FHW, TN, TN-386 Extension, I-65 to Hendersonville Bypass, Construction, Davidson and Sumner Counties, Due: June 16, 1986, Published FR: 5-2-86—Review period reestablished.

EIS No. 860173, Final, AFS, ME, NH, White Mountain National Forest, Land and Resource Management Plan, Due: June 9, 1986, Published FR 5-9-86—Incorrect status and review period.

Dated: May 13, 1986.

David G. Davis,

Acting Director, Office of Federal Activities.
[FR Doc. 86-11090 Filed 5-15-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3016-8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 28, 1986 through May 2, 1986 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. D-AFS-J82001-00, Rating EC2, Custer Nat'l Forest, Noxious Weed Treatment Program, MT, ND, and SD. Summary: EPA generally concurs with the preferred alternative, but recommends additional emphasis on applicator training and awareness of herbicide impacts on riparian and wetland areas.

ERP No. D-AFS-K01004-AZ, Rating EC2, Canyon Uranium Mining Development, Kaibab Nat'l Forest, AZ. Summary: EPA requested more complete information on provisions to prevent contamination from storm water runoff and mine abandonment; and clarification of portions of the radiation discussion.

ERP No. D-AFS-K65089-CA, Rating EC2, Sequoia Nat'l Forest, Land and Resource Mgmt. Plan, CA. Summary: EPA expressed concerns about potential impacts to forest resources such as watersheds, water quality, riparian/meadow areas, soils and beneficial uses.

ERP No. D-COE-C36060-NY, Rating LO, Cazenovia Creek Flood Damage Reduction Plan, NY. Summary: EPA believes that no significant environmental impacts will result from implementation of the project. However, EPA requested that additional information on minimum flows through the sluice gate be included in the final EIS.

Final EISs

ERP No. FB-COE-A36264-CA, Wildcat and San Pablo Creeks Flood Control Plan, Description of Impacts, CA. Summary: The final supplemental EIS adequately addressed the flood control project's environmental impacts.

ERP No. FS-COE-C36005-NY, Saw Mill River Basin Flood Control Project, Elmsford and Greenburgh Areas, NY. Summary: The final EIS adequately

addresses the concerns EPA expressed on the draft EIS.

ERP No. FS-COE-F39015-OH, Geneva-on-the-Lake Small Boat Harbor Construction, Revised Plan and Additional Wetland Mitigation Construction, OH. Summary: EPA's review resulted in no objections to the proposed activity.

ERP No. FS-USN-C11004-00, Stapleton—Fort Wadsworth Complex, Surface Action Group Homeporting Facility, Development Plans Modification and Family Housing alternatives at Staten Island, NY, RI, and MA. Summary: EPA believes that no significant environmental impacts will result from the implementation of this project. However, EPA requested that a commitment to implement mitigation measures on impacts to air quality and environmentally sensitive resources be included in the record of decision.

Dated: May 13, 1986.

David G. Davis,

Acting Director, Office of Federal Activities.
[FR Doc. 86-11091 Filed 5-15-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3016-7]

Intent to Prepare an Environmental Impact Statement; Hilltop Interceptor; Northeast Ohio Regional Sewer District; Cleveland, OH

AGENCY: Environmental Protection Agency (USEPA) Region V.

ACTION: Preparation of an environmental impact statement (EIS) for the construction of interceptor sewers to service the Hilltop Planning Area of the Northeast Ohio Regional Sewer District (NEORS).

PURPOSE: In accordance with section 102(2)(c) of the National Environmental Policy Act, USEPA has identified a need to prepare an Environmental Impact Statement (EIS) and therefore publishes this Notice of Intent pursuant to 40 CFR 1401.7.

FOR FURTHER INFORMATION CONTACT: William D. Spaulding, 5WFP-TUB-08, Environmental Planning Section, Telephone No. (312) 886-0215, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Summary

Proposed USEPA Action

It is the intent of USEPA to study and select the most cost-effective and environmentally acceptable wastewater

treatment and/or conveyance alternative for the Hilltop Planning Area.

The Hilltop planning area is located in northeastern Cuyahoga County and includes all or portions of Richmond Heights, Highland Heights, Lyndhurst, Mayfield, Mayfield Heights, and Willoughby Hills.

Project Background

The Hilltop project is the second portion of the Heights/Hilltop interceptor system. A Finding of No Significant Impact (FNSI) was issued for the Heights portion of the system on August 29, 1984, and construction has begun. General problems to be solved by the Hilltop project include: wet weather overflows from the Beech Hill-Bonnieview/ Wilson Mills (BBW) pumping complex; inadequate treatment by package plants; and inflow and infiltration problems. The proposed project, as described in an August 1985 preliminary environmental assessment, recommends construction of a large (60 to 70 million gallons per day) gravity interceptor to transport wastewater to the Heights Interceptor and then to the NEORS Easterly WWTP. The Hilltop Interceptor would eliminate the need for package plants and several pumping stations in the area.

Issues Involved

a. Construction of the proposed project may lead to destruction of natural terrestrial and aquatic habitat.

b. The design of the proposed project appears to anticipate growth, yet population data reflects a stable population over the 20-year design period. The basis of design, its relationship to growth projections and the environmental impacts associated with potential development will be studied.

c. The recommended action in the environmental assessment and facilities plan is the most costly alternative. This expenditure may be a high cost project.

Scoping Process

The scope of the EIS will encompass the range of possible alternatives for solving the Hilltop area wastewater problems and their potential impacts upon the surrounding communities. It is the intent that there shall be an early and open process for determining the scope of issues to be addressed and for all parties to identify the significant environmental issues related to the proposed project.

The scoping process shall consist of two public meetings to be held at 3:00 and 7:30 p.m. on Wednesday, June 18, 1986, at the Highland Heights

Community Center, 5827 Highland Road, Highland Heights, Ohio 44143.

At each of these meetings a summary of the project will be provided, and the public will be invited to present concerns they would like to see addressed in the EIS.

Timing

USEPA expects to issue a draft EIS for public review and comment within approximately ten (10) months.

Requests for Copies of the Draft EIS

All interested parties are encouraged to submit their names and addresses to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 86-11089 Filed 5-15-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51623; FRL-3017-6]

Toxic and Hazardous Substances Control; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty-four PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-980, 86-981 and 86-982—July 30, 1986.

P 86-983, 86-984 and 86-985—August 2, 1986.

P 86-986, 86-987, 86-988, 86-989, 86-990, 86-991, 86-992, 86-993, 86-994, 86-995, 86-996, 86-997, 86-998, 86-999, 86-1000, 86-1001, 86-1002, 86-1003, 86-1004, 86-1005, 86-1006, 86-1007—August 3, 1986.

P 86-1008, 86-1009, and 86-1010—August 4, 1986.

P 86-1011, 86-1012, and 86-1013—August 5, 1986.

Written comments by:

P 86-980, 86-981 and 86-982—June 30, 1986.

P 86-983, 86-984 and 86-985—July 3, 1986.

P 86-986, 86-987, 86-988, 86-989, 86-990, 86-991, 86-992, 86-993, 86-994, 86-995, 86-996, 86-997, 86-998, 86-999, 86-1000, 86-1001, 86-1002, 86-1003, 86-1004, 86-1005, 86-1006 and 86-1007—July 4, 1986.

P 86-1008, 86-1009, 86-1010—July 5, 1986.

P 86-1011, 86-1012, and 86-1013—July 6, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51623]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-980

Manufacturer: E.I. du Pont de Nemours and Company, Inc.

Chemical: (G) Imidazolidine amide carboxylate complex.

Use/Production: (G) Destructive use. Prod. range: Confidential.

Toxicity Data. Acute oral: 25,000 mg/kg; Irritation: Skin—Non-corrosive, Eye—Non-irritant; LC₅₀ 96 hr (Fathead minnow): 45.2 mg/l; EC₅₀ 48 hr (Daphnia magna): 21.1 mg/l.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Release to water. Disposal by on-site waste water treatment.

P 86-981

Manufacturer: Confidential.

Chemical: (G) Alkylphosphatoalkyl titanate.

Use/Production: (G) Ink additive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 8 workers, up to 3 hrs/da.

Environmental Release/Disposal. No release.

P 86-982

Manufacturer. Confidential.
Chemical. (G) Prepolymer modified MDI.
Use/Production. (G) Insulation. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by navigable waterway.

P 86-983

Manufacturer. Confidential.
Chemical. (G) Magnesium salt of alkenyl succinic acid.
Use/Production. (G) Petroleum additive. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 28 workers.
Environmental Release/Disposal. Less than 1 kg/batch released to air and water. Disposal by navigable waterway.

P 86-984

Manufacturer. Confidential.
Chemical. (G) Alkyl ester capped urea compound.
Use/Production. (G) Sag control agent. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-985

Manufacturer. Hach Company.
Chemical. (S) 2,4'-dihydroxy-1,1'-azobisnaphthalene-3,4',6'-trisulfonic acid.
Use/Production. (S) Industrial reagent for hardness analysis in water or brine. Prod. range: 100-300 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal and inhalation, a total of 7 workers, up to 8 hrs/da, up to 60 da/yr.
Environmental Release/Disposal. Release to water. Disposal by publicly owned treatment works (POTW) and waste treatment facility.

P 86-986

Importer. Confidential.
Chemical. (G) Hydrocarbon resin.
Use/Import. (G) Open, non-dispersive use. Import range: Confidential.
Toxicity Data. Acute oral: 5.0 g/kg; Acute dermal: 2.0 g/kg; Irritation: Eye—Slight; Inhalation: 160 mg/m³; Skin sensitization: Non-sensitizer; Sensory irritation: Non-irritant; Human repeat insult patch test: Very low potential.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-987

Manufacturer. Confidential.
Chemical. (G) Alkyl alcohol, alkoxyated.
Use/Production. (G) Textile processing aid. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-988

Importer. Confidential.
Chemical. (G) Substituted copper phthalocyanine, salts.
Use/Production. (S) Industrial colorant for paper. Import range: Confidential.
Toxicity Data. Acute oral: > 5.0 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; 96 hr (Brachydanio rerio): 31.6 mg/l and 4.2 mg/l; 48 hr (Brachydanio rerio): 56.2 mg/l; IC₅₀: > 100 mg/l.
Exposure. Processing: dermal and ocular.
Environmental Release/Disposal. No release to air, water and land.

P 86-989

Importer. Confidential.
Chemical. (G) Substituted copper phthalocyanine, salts.
Use/Production. (S) Industrial colorant for paper. Import range: Confidential.
Toxicity Data. Acute oral: > 5.0 mg/kg; Irritation: Skin—Non-irritant, Eye—Corrosive; LC₁₀₀ 96 hr (Brachydanio rerio): 115 mg/l; LC₅₀ 96 hr (Brachydanio rerio): 102 mg/l; LC₀ 96 hr (Brachydanio rerio): 90 mg/l; IC₅₀: > 100 mg/l.
Exposure. Processing: dermal and ocular.
Environmental Release/Disposal. No release to air, water and land.

P 86-990

Manufacturer. Confidential.
Chemical. (G) Starch, dihydrogen phosphate, disubstituted alkyl ether.
Use/Production. (G) Cellulose binder. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Disposal by POTW.

P 86-991

Manufacturer. Confidential.
Chemical. (G) Alkoxyated aromatic, alkenoate ester.
Use/Production. (G) Radiation and chemical curing agent for inks and coatings. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Mild.
Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

P 86-992

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.
Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.
Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-993

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.
Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.
Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-994

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.
Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.
Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-995

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.
Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.
Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-996

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.
Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.
Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-997

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-998

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-999

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-1000

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-1001

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.
Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-1002

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-1003

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-1004

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-1005

Importer. DSM Resins US Inc.
Chemical. (G) Dibasic-acid/glycol ester.

Use/Import. (S) Industrial thermosetting powder paints. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 75-100 workers, up to 15-30 min.

Environmental Release/Disposal. Release to environment could occur during production stage.

P 86-1006

Manufacturer. Confidential.
Chemical. (G) Alkylaluminum compound.

Use/Production. (G) Catalyst-contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1007

Importer. Confidential.
Chemical. (G) Acrylated functional polysiloxane.

Use/Import. (S) Industrial paper coating for release liners. Import range: Confidential.

Toxicity Data. Acute oral: 5,000 mg/kg; Irritation: Skin-Non-irritant; Ames test: Non-mutagenic; Skin sensitization: Weak sensitizer.

Exposure. Processing: dermal, a total of 3 workers, up to 2.0 hr/da.

Environmental Release/Disposal. 1.0 kg released. Disposal by Resource Conservation and Recovery Act (RCRA) and approved landfill.

P 86-1008

Manufacturer. Confidential.
Chemical. (G) Terephthalic mixed glycol ester.

Use/Production. (G) Industrial intermediate glycol ester for urethane foam insulating material. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, a total of 27 workers, up to 2 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 5 to 10 kg/batch released to water. Disposal by POTW, incineration, approved landfill and recycling with 10 to 30 kg/batch to control technology.

P 86-1009

Manufacturer. Confidential.
Chemical. (S) Polymer of isobutyl acrylate, 2-ethyl hexyl acrylate, methyl methacrylate, acrylic acid.

Use/Production. (G) An open use. Prod. range: 7,000-15,000 kg/yr.

Toxicity Data. COD: 1,880,000 ug/g^o; BOD: 4,800 ug/g^o.

Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. Minimal release to air. Disposal by biological treatment lagoon and licensed landfill.

P 86-1010

Manufacturer. Lawter International Inc.

Chemical. (G) Polyester of aliphatic polyol, rosin, linseed oil and aromatic dibasic acid.

Use/Production. (S) Printing ink vehicle. Prod. range: 225,000-270,000 kg/yr.

Toxicity Data. No data submitted.

Environmental Release/Disposal. 0.1 kg/batch released to air and water with 0.5 to 2 kg/batch to solids. Disposal by POTW and approved landfill.

P 86-1011

Manufacturer. Confidential.

Chemical. (G) Substituted carbopolycycle sulfonate of substituted phenyl azo substituted heteromonocycle.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Disposal by navigable waterway.

P 86-1012

Manufacturer. Confidential.

Chemical. (S) Mixed C₅/C₆/C₇, dimer, and C₅/C₆ ethers; (gases, extractive, C₄-C₆, amylene rich, reaction products with olefins, and methanol, distillation residues).

Use/Production. (S) Industrial automotive fuel components. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. No release expected.

P 86-1013

Manufacturer. Confidential.

Chemical. (S) Mixed C₅/C₆/C₇, dimer, and C₅/C₆ methyl ethers; (gases, extractive, C₄-C₆, amylene rich, reaction products with olefins, and methanol, distillation residues).

Use/Production. (S) Industrial fuel oil components. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. No release expected.

Dated: May 9, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-11076 Filed 5-15-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59765; FRL-3017-5]

Toxic and Hazardous Substances Control; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires

any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). In the *Federal Register* of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of fourteen such PMNs and provides a summary of each.

DATES: Close to Review Period:

Y 86-131 and 86-132—May 22, 1986.

Y 86-133—May 25, 1986.

Y 86-134, 86-135, 86-136, 86-137, and 86-138—May 26, 1986.

Y 86-139, 86-140, 86-141, 86-142 and 86-143—May 27, 1986.

Y 86-144—May 28, 1986.

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-131

Manufacturer. Confidential.

Chemical. (G) Modified styrenated acrylic terpolymer.

Use/Production. (S) Commercial automotive after market refinish clear coat for pigment basecoat. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-132

Manufacturer. Confidential.

Chemical. (G) Polyester of carbomonomocyclic acid, sulfonated carbomonomocyclic ester, alkylene glycol cycloalkylene glycol styrenated acrylic terpolymer.

Use/Production. (S) Industrial sizes for textile. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-133

Manufacturer. General Electric Company.

Chemical. (S) A crosslinked poly (2-propenoic acid, butyl ester) core//crosslinked polystyrene.

Use/Production. (G) Impact modifier for thermoplastic. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 19 workers, up to 24 hrs/da, up to 300 da/yr.

Environmental Release/Disposal. 0.016 to 78 kg/day released to air with 21 kg/day to water. Disposal by on-site waste treatment plant with 1.5 incinerated.

Y 86-134

Manufacturer. Confidential.

Chemical. (G) Polyurethane.

Use/Production. (S) Industrial and site-limited spray applied coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-135

Manufacturer. Confidential.

Chemical. (G) Polyester resin.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-136

Manufacturer. Confidential.

Chemical. (G) Polyurethane resin.

Use/Production. (S) Industrial and site-limited spray applied coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-137

Manufacturer. Confidential.

Chemical. (G) Polyester resin.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-138

Manufacturer. Confidential.
Chemical. (G) Polyester.
Use/Production. (G) Coating. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Y 86-139

Manufacturer. Confidential.
Chemical. (G) Polyester of alkane, dicarboxylic acid, alkanediol and benzene polycarboxylic acid derivative.
Use/Production. (G) Resin for industrial enamels. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 12 workers, up to 10 hrs/da, up to 5 da/yr.
Environmental Release/Disposal. No release.

Y 86-140

Manufacturer. Confidential.
Chemical. (G) Polyester of carbomonocyclic acid or ester alkylene glycols, and sulfonated carbomonocyclic ester.
Use/Production. (G) Polymer for applications for fabrics. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-141

Manufacturer. Confidential.
Chemical. (G) Polyester of carbomonocyclic acid or ester alkylene glycols, and sulfonated carbomonocyclic ester.
Use/Production. (G) Polymer for applications to fabrics. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-142

Manufacturer. Confidential.
Chemical. (G) Polyester of carbomonocyclic acid or ester alkylene glycols, and sulfonated carbomonocyclic ester.
Use/Production. (G) Polymer for applications to fabrics. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-143

Manufacturer. Confidential.
Chemical. (G) Polyester of carbomonocyclic acid, alkylene glycols, and sulfonated carbomonocyclic ester.
Use/Production. (G) Size for continuous filament polyester yarn. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-144

Manufacturer. Confidential.
Chemical. (G) Acrylic latex.
Use/Production. (S) Packaging ink vehicle. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Dated: May 9, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-11077 Filed 5-15-86; 8:45 am]

BILLING CODE 6560-

FEDERAL EMERGENCY MANAGEMENT AGENCY

Anti-Arson Program; Solicitation for Award of Cooperative Agreement

May 12, 1986.

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Solicitation for Award of Cooperative Agreement.

Notice of Solicitation is hereby given that the Federal Emergency Management Agency, under the Fire Prevention and Control Act of 1974, will issue a Request for Assistance (RFA) No. EMW-86-S-2355 on May 13, 1986 regarding the design and implementation of anti-arson strategy program for Community-Based Anti-Arson Programs. This program is limited to Community-Based Organizations. The purpose of this assistance is to focus on nationwide efforts to reduce the number of arson related fires that occur every year throughout this country.

Some broad objectives of this program are:

*To encourage neighborhood involvement in reducing arson fires through new and innovative broad spectrum programs.

*To expand the neighborhood involvement to a community-wide participation in fighting arson.

*To make information available to other neighborhoods and communities regarding successful programs.

*To increase the cooperation between neighborhood residents, community groups and public service organizations such as fire, police, building and code departments.

*To build a comprehensive community anti-arson program.

Applications for assistance must be requested in writing and addressed as follows:

Federal Emergency Management Agency, Office of Acquisition Management, 500 C Street, SW., Room 728, Washington, DC 20472

ATTN: John Marshall, Contract Specialist

Request for Assistance No. EMW-86-S-2355

Please include a self-addressed mailing label with the request.

Cooperative Agreements are anticipated to be awarded as a result of this request for assistance. It is anticipated that a minimum of five (5) and a maximum of thirty (30) assistance awards will be made. The anticipated funding levels of this program are between \$5,000 to \$25,000, based on the criteria shown in Attachment C of the solicitation package.

Kenneth J. Brzonkala,

Acting Director, Office of Acquisition Management.

[FR Doc. 86-11031 Filed 5-15-86; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on May 9, 1986.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of packages)

Food and Drug Administration

Subject: Establishment License Application and Supplemental License Application for the Manufacture of

**Blood and Blood Components—
Extension—(0910-0041)**

Respondents: Businesses or other for-profit; Non-profit institutions; Small businesses or organizations
OMB Desk Officer: Bruce Artim

Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-8650 for copies of packages)
Subject: Request for Claim Number Verification—HCFA 1600—
Extension—(0938-0089)

Respondents: Businesses or other for-profit; Small businesses or organizations

Subject: Title XIX Superior Utilization Review System Waiver Request—
Information Collection Requirement—
Sections 9320-9330 of State Medicaid Manual—HCFA R-95 Existing Collection—

Respondents: State or local governments
Subject: Medicaid Eligibility Quality Control Statistical Tables—HCFA 302-309—Revision—(0938-0310)
Respondents: State or local governments
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. ATTN: (name of OMB Desk Officer)

Dated: May 13, 1986.

K. Jacqueline Holz,
Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 86-11115 Filed 5-15-86; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Anesthesiology and Respiratory Therapy Devices Panel

Date, time, and place. June 5 and 6, 8:30 a.m. Conference Rm. 703A, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC 20201.

Type of meeting and contact person. Open public hearing, June 5, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 6 p.m.; open committee discussion, June 6, 8:30 a.m. to 6 p.m.; Michael S. Gluck, Center for Devices and Radiological Health (HFZ-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make a formal presentation should notify Michael S. Gluck (address above) before May 23, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of the proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss information contained in premarket approval applications for a transcutaneous carbon dioxide monitor and two high frequency ventilators. The committee will also discuss a proposed reclassification of pH-sensitive glass electrode cutaneous carbon dioxide (PcCO₂) monitors and a Proposed Evaluation Protocol for high frequency ventilators.

Science Advisory Board to the National Center for Toxicological Research

Date, time, and place. June 23, 2 p.m., June 24, 9 a.m., Bldg. 12, Conference Center, National Center for Toxicological Research, Jefferson, AR.

Type of meeting and contact person. Open committee discussion, June 23, 2 p.m. to 5 p.m.; open committee discussion June 24, 9 a.m. to 12 m.; open public hearing, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 3 p.m.; Ronald F. Coene, National Center for Toxicological Research, Food and Drug Administration, 5600 Fishers Lane, Rm. 14-101, Rockville, MD 20857, 301-443-3155.

General function of the committee. The committee advises the Director, National Center for Toxicological

Research (NCTR), in establishing and implementing a research program that will assist the Commissioner of Food and Drugs in fulfilling his regulatory responsibilities. The committee provides the extra-agency review needed to ensure that research programs at NCTR are scientifically sound and pertinent to its stated goals and objectives.

Agency—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make a formal presentation should notify the contact person before June 13, and submit a brief statement of the general nature of the evidence or argument they wish to present, the name and address of proposed participants, and an indication of the approximate time requested to make their comments.

Agenda—Open committee discussion. The committee will receive an update of NCTR's research initiatives in the areas of: (1) Biomarkers, modulators of toxicity and extrapolation/risk assessment; and (2) a review of NCTR's programs in reproductive and developmental toxicology. Additional items are being considered for review by the committee and a final agenda will be available on June 17, 1986, by contacting Ronald F. Coene (address above).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public

advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: May 12, 1986.

John M. Taylor,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 86-11023 Filed 5-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86E-0147]

Determination of Regulatory Review Period for Purposes of Patent Extension; Toray Soft Contact Lens

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for the Toray Soft Contact Lens and is publishing this notice of that determination as required by law. FDA has made the determination because of

the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims this medical device.

ADDRESS: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Michael W. Cogan, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 158(g)(3)(B).

FDA recently approved for marketing the Toray Soft Contact Lens, a daily or extended-wear soft contact lens for correction of visual acuity in aphakic and not-aphakic people with nondiseased eyes that are myopic. Following FDA's approval, Toray Industries filed a patent term restoration application with the U.S. Patent and Trademark Office, which then requested FDA's assistance in determining the patent's eligibility for patent term restoration. In a letter dated April 11, 1986, FDA advised the Patent Office that the product had undergone a regulatory review period and that the product

represented the first commercial marketing or use of the device. Shortly thereafter, the Patent Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Toray Soft Contact Lens is 2,355 days. Of this time, 1,867 days occurred during the testing phase of the regulatory review period, while 488 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun:* August 16, 1979. The product is a nonsignificant-risk device, for which FDA regulations do not require that FDA review an investigational device exemption (IDE). In addition, the clinical studies for the device were conducted in Japan. For these reasons, FDA lacks records to verify independently the date on which the applicant began clinical testing and accepts the applicant's claim that testing began on August 16, 1979.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act:* September 24, 1984. FDA has verified that the premarket approval application (No. P84-0044) was initially submitted on September 24, 1984.

3. *The date the application was approved:* January 24, 1986. FDA has verified that PMA P84-0044 was approved on January 24, 1986.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 146 days of patent extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before July 15, 1986, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before November 12, 1986, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984). Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management

Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 9, 1986.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 86-11024 Filed 5-15-86; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Privacy Act of 1974; Revision to Existing System of Records

AGENCY: Health Care Financing Administration, HHS.

ACTION: Notice of revision of Privacy Act system of records.

SUMMARY: Notice is hereby given that HCFA is revising one of its system of records, the Physician's Practice Costs and Incomes Survey, HHA/HCFA/ORD No. 09-70-0032, most recently published at 49 FR 14442; April 11, 1984. The notice is being revised to reflect a change in the Retention and Disposal section of the system. The revision contains no new routine uses.

EFFECTIVE DATE: May 16, 1986.

FOR FURTHER INFORMATION CONTACT:

Sherry A. Terrell, Office of Research and Demonstrations, Health Care Financing Administration, Room 2-A-14, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207. Telephone 301-597-1416.

SUPPLEMENTARY INFORMATION: HCFA, in cooperation with the Assistant Secretary of Planning and Evaluation, is planning to participate in a one time resurvey of respondents of the original 1984-1985 survey. Therefore, it is necessary to maintain the records from the survey longer than originally anticipated. Even if a resurvey were not contemplated, contractor data quality control activities have delayed implementation of the survey process and a new retention and disposal date of September 1988 is needed.

The applicable text of the system of records is revised to read as follows:

09-70-0032

SYSTEM NAME

Physicians' Practice Costs and Incomes Survey.

RETENTION AND DISPOSAL:

Hardcopy lists of names and case identification numbers will be retained in secure storage areas. Individual records delivered to HCFA on the final data tape will contain no individual names, and the case identifiers will be different from those used by the contractor. The disposal technique of degaussing will be used to strip magnetic tape of all identifying names and numbers in September 1988. Hardcopy lists of names and identifying numbers will be destroyed at this time.

Dated: May 9, 1986.

Henry R. Desmarais,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 86-11047 Filed 5-15-86; 8:45 am]

BILLING CODE 4120-03-M

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

The meeting of the National Cancer Advisory Board, National Cancer Institute, May 19-21, 1986, Building 31C, Conference Room 6, 6th floor, National Institutes of Health, which was published in the *Federal Register* on Wednesday, May 7 (51 FR 16898) is being amended to include a visit at 12:00 p.m., on May 19 to the supercomputer facility at the Frederick Cancer Research Facility.

Dated: May 13, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-11223 Filed 5-15-86; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Oglala Sioux Tribe, Pine Ridge Indian Reservation, Pine Ridge, South Dakota, Transfer of Federally-owned Lands

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

By notice dated February 3, 1986, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Pub. L. 93-599, dated January 2, 1975 (88 Stat. 1954), custody and accountability is transferred to the Bureau of Indian Affairs, effective 12:01 a.m., March 1,

1986, without reimbursement, to be held in trust by the United States for the benefit and use of the Oglala Sioux Tribe, Pine Ridge Indian Reservation, Pine Ridge, South Dakota, for the following described lands:

Sixth Principal Meridian

T. 39 N., R. 43 W.,

Sec. 35, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Containing 5.0 acres, more or less.

These lands are to be treated the same and to receive the same benefits and protection as other trust lands held for the benefit and use of the Oglala Sioux Tribe. Appropriate notations will be made in the land records of the Bureau of Indian Affairs.

Ross O Swimmer,

Assistant Secretary, Indian Affairs.

[FR Doc. 86-11065 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Anchorage District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Joint Meeting of Fairbanks and Anchorage District Advisory Councils.

SUMMARY: The District Advisory Councils for the Fairbanks and Anchorage Districts of the Bureau of Land Management will have a general meeting on Tuesday, June 17, 1986. The meeting will be held at the BLM/Anchorage District Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507.

The meeting will convene at 9:00 a.m. and conclude at 7:00 p.m. Public comments will be received by the Council from 11:30 a.m.-12:30 p.m. Oral comments may be limited by time and it is recommended that public comments be submitted in writing at the meeting.

The major topic of discussion will center on the organizational structure of BLM/Alaska.

All Advisory Council meetings are open to the public. For additional information contact the Bureau of Land Management, Public Affairs Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507, telephone (907) 267-1284.

Wayne A. Boden,

District Manager, Anchorage District Office.

[FR Doc. 86-11066 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-JA-M

[A-21760]

Realty Actions; Arizona; Notice of Reconveyance and Order Providing for Opening Lands

An exchange proposal made under the provisions of section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716, will reconvey the following described lands to the United States:

Gila and Salt River Meridian, Arizona

T. 17 N., R. 5 E.,

Sec. 33, a parcel of land situated in and being a part of the E $\frac{1}{2}$ described as follows:

Parcel A

Beginning at the Northeast corner of said Section 33, as established from the USBLM survey of 1956, run thence South 4°46' West (USBLM bearing—1956) along the East line of said Section 33, 700.28 feet; thence North 87°45'20" West, 136.61 feet; thence South 40°03'50" West, 84.39 feet; thence South 2°06'53" East, 119.25 feet; thence South 18°49'04" East, 33.41 feet; thence South 46°41'39" East, 39.55 feet; thence South 55°22'04" East, 91.43 feet; thence South 51°44'22" East, 56.70 feet to a point on the East line of said Section 33; thence South 4°46' West along said East line of Section 33, 3703.40 feet to the Southeast corner of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33; thence North 89°55'31" West along the South line of said Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 33, 662.45 feet of the Southwest corner of said Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 33; thence North 4°21'47" East, 2004.54 feet to the Northwest corner of the East Half of the Northeast Quarter of the Southeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33; thence South 88°58'57" West along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 33, 557.40 feet to the Southeast corner of the certain property as described in Book 697, Pages 908, 909, and 910, Records of Yavapai County, Arizona; (deed bearing North 88°40' East); thence along the Easterly line of that certain property as described in said Book 697, Pages 908, 909, and 910 (making an adjustment of 0°19'00" Easterly to said deed bearing) the following described courses and distances, i.e.:

North 0°21' East (North 0°02' East deed), 1207.87 feet; North 65°16' East (North 64°57' East deed), 109.20 feet; North 63°43' East (North 63°24' East deed), 414.82 feet; North 5°32' West (North 5°51' West deed) 236.70 feet; North 61°29' East (North 61°10' East deed), 122.00 feet, to a point in Oak Creek; North 10°11' West (North 10°30' West deed), 183.60 feet; North 13°17' West (North 13°36' West deed), 221.97 feet; North 36°01' West (North 36°20' West deed), 171.35 feet; North 31°44' West (North 32°03' West deed), 131.32 feet; North 37°46' West (North 38°05' West deed), 90.34 feet; North 75°27' West (North 75°46' West deed), 420.53 feet; South 78°11' West (South 77°52' West deed), 308.39 feet; South 62°52' West (South 62°33' West deed),

107.63 feet; South 56°56' West (South 56°37' West deed), 356.66 feet; North 42°29' West (North 42°48' West deed), 383.50 feet; South 47°31' West (South 47°12' West deed), 58.20 feet, more or less to a point in Red Rock road; thence North 43°40'04" East, 40.45 feet to a point of curve on the center line of Red Rock Road, as described in Book 118, Pages 419, 420, and 421, said point of curve having a tangent bearing of North 50°47'30" East (North 50°57'30" East deed); thence along said curve in a Northeasterly direction, concave to the left, said curve having a central angle of 13°10'15", a radius of 727.01 feet and a length of 167.12 feet to a point on the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 33; thence North 88°05' East (USBLM bearing—1956) along the North line of said Northeast Quarter of Section 33, 2468.40 feet to the Northeast corner of said Section 33 and the point of beginning.

Sec. 34, a parcel of land situated in and being a part of section 34 described as follows:

Parcel B

Beginning at the Southwest corner of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 34, from which the Northwest corner of said Section 34 bears North 4°K46' East (USBLM bearing), 1355.31 feet; thence South 4°46' West along the West line of said Section 34, 3373.92 feet to the Southwest corner of the North Half of the South Half of the Southwest Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$) of said Section 34; thence North 88°25'09" East along the South line of said North Half of the South Half of the Southwest Quarter, 2583.54 feet to the Southeast corner of said North Half of the South Half of the Southwest Quarter of said Section 34, said corner being identical with the Southwest corner of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 34; thence North 89°33'04" East, 660.13 feet to the Southeast corner of said Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 34; thence North 2°42'22" East along the East line of said Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 34 and a prolongation thereof, 1015.11 feet to the Northeast corner of the South Half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 34; thence North 9°18'16" East, 47.13 feet to the Southeasterly corner of that certain property as described in Book 564, Page 157, Records of Yavapai County, Arizona; thence along the Southerly and Westerly lines of said property as described in Book 564, Page 157 (making an adjustment of 0°02'00" Easterly to said deed bearings) the following courses and distances, i.e.:

South 48°51' West (South 48°49' West deed), 52.5 feet; North 46°44' West (North 46°42' West deed) 327.9 feet; North 22°20' West (North 22°18' West deed), 105.6 feet; North 54°33' West (North 54°31' West deed), 197.5 feet; North 21°01' West (North 20°59' West deed), 235.0 feet; North 48°14' West (North 48°12' West deed), 152.8 feet; South 89°36' West (South 89°38' West deed), 148.7 feet; North 39°24' West (North 39°22' West deed), 304.9

feet to a point in Oak Creek; North 41°22' East (North 41°24' West deed), 123.3 feet up Oak Creek; North 11°45' West (North 11°43' West deed), 395.0 feet up Oak Creek to the Northwest corner of that certain property as described in said book 564, Page 157 said Northwest corner also being the Southwest corner of that certain property as described in Book 559, Page 780, Records of Yavapai County, Arizona; thence along the Westerly line of said property as described in Book 559, Page 780 (making a bearing adjustment of 0°02'00" Easterly to said deed bearings) the following courses and distances, i.e.:

North 11°45' West (North 11°43' West deed), 505.0 feet up Oak Creek; North 33°02' West (North 33°00' West deed), 397.2 feet up Oak Creek to a point on the North line of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 34; thence South 88°39'22" West along the South line of the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of said Section 34, 1680.40 feet to the Southwest corner of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 34 and the point of beginning.

Excepting therefrom the following described land:

The North 635.25 feet of the West 1200.00 feet of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), the side lines being parallel with the North and West lines of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, located in Section 34, Township Seventeen (17) North, Range Five (5) East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

The areas described contain 286.17 acres, more or less, located in Lower Oak Creek State Park within the boundaries of the Prescott National Forest.

Upon acceptance of title, the land will be transferred to the Arizona State Parks Board under the Recreation and Public Purposes Act of June 14, 1926, as amended, 43 U.S.C. 869.

Inquiries concerning the land should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 16563, Phoenix, Arizona 85011.

John T. Mezes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86-11022 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-32-M

Realty Action; Idaho Falls District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Sale of Public Lands in Bear Lake and Caribou County, Idaho.

SUMMARY: The following described lands have been examined and, through the public-supported land use planning process, have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, at no less

than fair market value as determined by an appraisal (available after June 1, 1986):

Parcel	Legal description	Sale type
I-19700	T. 14 S., R. 46 E., B.M., Sec. 27: SE $\frac{1}{4}$ NE $\frac{1}{4}$ (40 acres), Bear Lake County.	Competitive.
I-22292	T. 11 S., R. 43 E., B.M., Sec. 33: SW $\frac{1}{4}$ NW $\frac{1}{4}$ (40 acres), Bear Lake County.	Direct.
I-22293	T. 12 S., R. 43 E., B.M., Sec. 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 acres), Bear Lake County.	Competitive.
I-22296	T. 9 S., R. 42 E., B.M., Sec. 31: N $\frac{1}{2}$ NE $\frac{1}{4}$ (40 acres), Canby County.	Competitive.

When patented, the lands will be subject to the following reservations:

Parcel and Reservations

- I-19700—Ditches and Canals, all minerals.
I-22292—Ditches and Canals, all minerals,
Grazing Lease #3521 expiring 2/28/1989,
held by Don F. Bartschi (if competitive).
I-22293—Ditches and Canals, all minerals,
Grazing Lease #3551 expiring 2/28/1990,
held by Wilmer W. Brown, Road Right-of
Way I-20533, held by Bear Lake County.
I-22296—Ditches and Canals, leasable
minerals, Grazing Lease #3820 expiring 2/
28/1992, held by Rich Livestock Company,
Powerline Right-of-Way I-05212, held by
Utah Power & Light.

Continued use of the land by valid right-of-way holders is proper subject to the terms and conditions of the grant. Administrative responsibility previously held by the United States will be assumed by the patentee.

The previously described lands are hereby segregated from appropriation under the public land laws, including the mining laws, for a period of 270 days or until patent is issued, whichever comes first.

Sales Procedures

Sale parcels I-19700, I-22293, and I-22296 will be sold by competitive bidding procedures as follows: A sealed bid must be submitted in person or by mail prior to the date and time of the sale in the Pocatello Resource Area Office located in the Federal Building, Room 172, 250 South 4th Avenue, Pocatello, Idaho 83201. The bid must be sealed in an envelope with the envelope specifying the serial number and the sale date in the lower left hand corner (i.e. "Sealed Bid—Public Land Sale I-19700—July 29, 1986"). If two or more valid sealed bids are received for the same amount and are the high bid, a supplement bidding of the high bidders will be held.

Sale parcel I-22292 is being offered directly to Don F. Bartschi because of his past use of the land and owning the land surrounding the parcel. Should Mr. Bartschi fail to submit a bid by the date of the sale, the parcel will be sold by competitive procedures as described in the previous paragraph.

Bids must be submitted for at least fair market value and will constitute an application to purchase that portion of the mineral estate of no known value for I-22296. A thirty percent (30%) deposit must accompany each bid and for parcel I-22296 an additional \$50 non-refundable mineral conveyance processing fee is required. The filing fee and deposit must be paid by certified check, money order, bank draft, or cashier's check. Bids will be rejected if accompanied by a personal check.

DATE AND ADDRESS: The sale offering will be held on Tuesday, July 29, 1986, at 1 p.m. in the basement meeting room, B-43, in the Federal Building, 250 South 4th Avenue, Pocatello, Idaho. Unsold parcels or direct sale parcels where no bids are received will be offered every Tuesday at 1:00 p.m. in Room 172 at the above address through August 26, 1986, on which date this sale offering will be suspended.

SUPPLEMENTARY INFORMATION: Detailed information concerning the conditions of the sale can be obtained by contacting Debbie Kovar or Dennis Hill at (208) 236-6860.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: May 8, 1986.
O'dell A. Frandsen,
District Manager.
[FR Doc. 86-11067 Filed 5-15-86; 8:45am]
BILLING CODE 4310-GG-M

[N-43253]

Realty Action; Lease or Sale of Public Lands for Recreation and Public Purposes, Pershing County, NV

In response to an application from the State of Nevada for a medium security prison site, the following described land has been identified as suitable and will be classified for lease or sale under the

Recreation and Public Purposes Act, as amended (43 U.S.C. 869, et seq.):

Mount Diablo Meridian, Nevada

T. 27 N., R. 32 E., sec. 10, All.

By motion of the Bureau, the following additional lands have been identified as alternate sites which are suitable for the use proposed and will also be classified for lease or sale under the Recreation and Public Purposes Act:

Mount Diablo Meridian, Nevada

T. 27 N., R. 32 E.,
Sec. 4, lots 2, 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$;
Sec. 16, All.

The lands are not required for Federal purposes. Disposal is consistent with the Bureau's planning for this area and would be in the public's interest.

The lands described in this notice will not be offered for lease or sale until the classification becomes effective, all required environmental, archaeological, and mineral clearances are completed and all application requirements are met.

A patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).
2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law.

And will be subject to:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.
2. All valid existing rights documented on the official land records at the time of patent issuance.
3. Any other reservations the Authorized Officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this Notice in the **Federal Register** the above described public lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act.

For a period of 45 days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, 705 East 4th Street, Winnemucca, NV 89445. Any adverse comments will be reviewed by the State

Director. In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the Federal Register.

Upon the effective date of classification, the lands described above in sections 4, 8, and 16 will be open to the filing of an application under the Recreation and Public Purposes Act by the State of Nevada for the specified use. If, after 18 months following the effective date of classification, an application has not been filed, the segregative effect of the classification shall automatically expire and the lands classified shall return to their former status without further action by the Authorized Officer.

Dated: May 9, 1986.

Frank C. Shields,
District Manager.

[FR Doc. 86-11020 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-HC-M

Emergency Seasonal Closure of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency seasonal closure of public lands in eastern Kern County, California.

SUMMARY: Certain Public Lands in eastern Kern County, California, generally described as lying east of State Highway 14 in the Red Rock Canyon area, are temporarily closed to all public use, including vehicle operation, camping, shooting, hiking, sightseeing, grazing, and mining operations from May 7, 1986 through June 30, 1986. Access may be allowed for management or scientific study purposes and must be approved in writing by the Authorized Officer. The lands affected by this notice are being closed under the authority of 43 CFR 8364.1.

The lands affected by this emergency closure are specifically:

Mt. Diablo Base and Meridian T. 29 S., R. 37 E.

Secs: 23 (portion of SE 1/4, S and E of existing route)

24 (S 1/2);
25 (N 1/2 and SW 1/4);
26 (E 1/2).

Totaling approximately 1,200 acres.

Any person who violates this closure order may be subject to a fine of \$1,000 or imprisonment not exceeding 12 months, or both, under authority of 43 CFR 8360.0-7.

Public Lands temporarily closed to public use under this order will be

posted with signs at points of public entry. Maps showing the exact location of the closure are available from the Ridgecrest Resource Area Office, 112 E. Dolphin St., Ridgecrest CA 93555. Closure order notices and or maps will be posted near or within the closure area as well as at local U.S. Post Offices, the Red Rock Canyon State Park, and the Ridgecrest Resource Area Office.

EFFECTIVE DATES: May 7, 1986, through June 30, 1986.

SUPPLEMENTARY INFORMATION: The purpose of this emergency seasonal closure is to provide protection and solitude for nesting birds of prey, primarily, the golden eagle (*Aquila chrysaetos*), and prairie falcon (*Falco mexicanus*), and the great horned owl (*Bubo virginianus*). Further, this closure is ordered to comply with 16 U.S.C., Subchapter II, Part 668, Bald Eagle Protection Act, as amended, which extends protection to golden eagles. This closure order will prevent violations of "take", described in Part 668c of the Act as including "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

The lands affected by this closure notice are cooperatively managed by the Bureau of Land Management and the California Department of Parks and Recreation. Enforcement will be accomplished by both agencies.

FOR FURTHER INFORMATION CONTACT: Patricia E. McLean, Area Manager, Ridgecrest Resource Area, 112 E. Dolphin, Ridgecrest, California 93555, (619) 375-7125.

Dated: May 9, 1986.

H.W. Riecken,
District Manager.

[FR Doc. 86-11098 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-40-M

[1-12064]

Exchange of Public and State Lands in Owyhee County, ID

Correction

In FR Doc. 86-9809 beginning on page 16230 in the issue of Thursday, May 1, 1986, make the following corrections on page 16230.

1. In the second column, in the Action section, third line, "Country" should read "County".

2. In the same column, under T.8 S., R.3 W., in Sec. 34, the second line should read "SW 1/4 SE 1/4".

3. In the same column, under T.8 S., R.4 W., in Sec. 4, the entry should read "S 1/2 SW 1/4".

4. In the same column, under T.9 S., R.3 W., in Sec. 11, the entry should read "N 1/2 SW 1/4, SW 1/4 SE 1/4".

5. On the same page, third column, under T.14 S., R. 5 W., in Sec. 36, "NE 1/4 Ne 1/4" should read "NE 1/4 NE 1/4".

BILLING CODE 1505-01-M

National Park Service

Management Plan—Upper Delaware Scenic and Recreational River; NY and PA Hearings

AGENCY: National Park Service, Interior.

ACTION: Notice of Public Hearings and Opportunity to Comment on Draft River Management Plan (incorporating Revised Guidelines for Land and Water Use Controls and the Land Protection Plan) and draft environmental impact statement.

SUMMARY: This notice sets forth the schedule of public hearings and opportunity for written comment on the draft River Management Plan, including revised Guidelines for Land and Water Use Controls, and draft Environmental Impact Statement. Public hearings are required pursuant to the Upper Delaware Segment Special Provisions (section 704(b) to (j) of Pub. L. 95-625). The draft River Management Plan also incorporates a land protection plan for the area, in conformance with National Park Service rules (48 FR 21121, May 11, 1983).

DATES AND ADDRESSES:

June 4, 1986; 7:30 PM, Damascus Central School, Damascus, PA

June 5, 1986; 7:30 PM, Delaware Valley Central School, Rt. 97, Callicoon, NY

June 6, 1986; 7:30 PM, Shohola Firehouse, Shohola, PA

June 7, 1986; 1:00 PM; Port Jervis Senior High School, Huguenot Road, Port Jervis, NY

Written comments should be submitted on the draft Plan to either James W. Coleman, Jr., Regional Director, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106 (215/597-7013) or Craig Stewart, Chairman, Conference of Upper Delaware Townships, P.O. Box 41, Fosterdale, New York 12735 (914/932-8707). Comments on the draft Environmental Impact Statement should be submitted to Mr. James W. Coleman, Jr., at the above address. Comments must be received by June 20, 1986.

FOR FURTHER INFORMATION CONTACT: J. Glenn Eugster, Chief, Park and Resource Planning, National Park Service, Mid-Atlantic Regional Office, 143 South

Third Street, Philadelphia, Pennsylvania 19106 (215/597-7386).

SUPPLEMENTARY INFORMATION: The draft River Management Plan and the revised Guidelines for Land and Water Use Controls have been prepared pursuant to the National Wild and Scenic Rivers Act of 1968 (Pub. L. 90-542, as amended) and the 1978 special provisions for management of the Upper Delaware defined in section 704 of Pub. L. 95-625. The draft plan and the revised Guidelines were prepared by the Conference of Upper Delaware Townships and the National Park Service, with the advice and participation of the Commonwealth of Pennsylvania, the State of New York, the Delaware River Basin Commission, the Upper Delaware Citizens' Advisory Council, and many other interested parties. Copies of the draft plan and the revised Guidelines are available on request.

The draft River Management Plan contains detailed maps showing the boundaries of the Upper Delaware Scenic and Recreational River, a program for the management of existing and future land and water uses, an assessment of the impacts of the plan on the revenues and cost of local government, and a program providing for coordinated implementation and administration of the plan. The draft document also includes proposed revisions to the existing Land and Water Use Guidelines for the Upper Delaware (published in 46 FR 45433, September 11, 1981). Additionally, the draft plan incorporates, through its "land management program" a land protection plan for the area, as required by National Park Service rules (48 FR 21121, May 11, 1983).

A draft Environmental Impact Statement (EIS) has also been prepared by the National Park Service for this draft plan. The EIS describes in detail the environment of the Upper Delaware and identifies the environmental impacts of the proposed plan and alternatives. The final River Management Plan and final EIS will be issued simultaneously.

The draft plan will be revised based upon comments received during public review. Upon completion of the plan and EIS both will then be submitted to the Secretary of the Interior for consideration and decision, following which the plan will be transmitted to the Governors of New York and Pennsylvania, and to the House Interior

and Insular Affairs Committee, and the Senate Committee on Energy and Natural Resources of the Congress. The plan will become effective ninety days after its transmittal to the Congress.

Dated: May 9, 1986.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 86-11058 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395-7340.

Title: Water Users Census

Abstract: The annual crop census is taken on all operating Federal Reclamation projects primarily for use as a tool in administering, managing, and evaluating the Federal Reclamation program. Respondents are water users on Reclamation project lands.

Bureau Form Number: 7-332

Frequency: Annual

Description of Respondents: Water Users on Federal Reclamation Projects

Annual Responses: 25,000

Annual Burden Hours: 8,333

Bureau clearance officer: Alma Gonzales, (202) 343-4249.

Dated: April 17, 1986.

C. Dale Duvall,

Commissioner.

[FR Doc. 86-11059 Filed 5-15-86; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-52 (Sub-45)]

The Atchison, Topeka & Santa Fe Railway Co.—Abandonment—in Pawnee and Osage Counties, OK; Notice of Findings

The Commission has issued a certificate and decision authorizing the Atchison, Topeka and Santa Fe Railway Company to abandon its 21.81-mile rail line between Camp (milepost 59.36) and Fairfax (milepost 37.55), in Pawnee and Osage Counties, OK. The abandonment certificate will become effective 30 days after this publication unless within 15 days after publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 86-11056 Filed 5-15-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-157)B]

Seaboard System Railroad, Inc.—Abandonment—in Polk County, FL.; Notice of Findings; Decision

Notice of Findings in this proceeding was correctly published at 51 FR 7502, March 4, 1986. A subsequent publication at 51 FR 11489, April 3, 1986, was in error and is to be disregarded.

James H. Bayne,

Secretary.

[FR Doc. 86-11057 Filed 5-15-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Act of 1984; NAHB Research Foundation; Smart House Project

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98-462 ("the Act"), the NAHB Research Foundation, Inc. has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the Smart House Project and (2) the nature and objectives of the Smart House Project. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to single damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Smart House Project, and its general areas of planned activity, are given below.

The Smart House Project is a joint venture project that will be implemented in a series of stages by separate agreements at each stage. The following parties have signed agreements to fund or otherwise participate in the first stage of the venture, which involves, among other things, organizational activities:

American Gas Association
AMP, Incorporated
Apple Computer, Inc.
AT&T Technologies, Inc.
Bell Communications Research, Inc.
Bell Northern Research Ltd.
BrinTec Corporation
Broan Mfg. Co., Inc.
Burndy Corporation
Carrier Corporation
Copper Development Association
Dukane Corporation
E.I. duPont de Nemours & Company (Inc.)
Electric Power Research Institute
Emerson Electric Co.
Federal Pacific Electric
Gas Research Institute
General Electric Company
Honeywell Inc.
Landis & Gyr Metering, Inc.
Lennox Industries Inc.
NAHB Research Foundation, Inc.
National Semiconductor Corporation
North American Philips Consumer Electronics Corp., on its own behalf and on behalf of Signetics Corporation
Onan Corporation
Pass & Seymour Incorporated
Robertshaw Controls Company
Schlage Lock Company
Scott Instruments Corporation
Scovill Inc.
Shell Development Company (Division of Shell Oil Company)
Siemens-Allis, Inc.
Slater Electric, Inc.
Sola Basic Industries, Inc.

Southern California Edison Company
Square D Company
Systems Control, Inc.
Whirlpool Corporation
The Wiremold Company

The Smart House Project will engage in activities the purpose of which will be to develop a coordinated home control and energy distribution system containing integral telecommunications and advanced safety features. The project is intended to design and develop a set of compatible products, including integrated power and signal cabling to tie home electrical products into a single power and communications network; communications-capable appliances, heating and cooling equipment, utility meters and home electrical and electronic products; electric power conditioning and conversion equipment; controllers and software to make logical decisions, issue control instructions, and regulate the distribution of energy, information and instructions throughout the network; monitoring and control devices to detect and neutralize malfunctions in energy distribution within the home; telephone and CATV interfaces to allow information to be passed to and from the home over telephone and CATV lines; and input and output devices with which users can control and receive information from the network and the devices attached to it.

A prior notification identifying the parties to the venture and describing in general terms the areas of planned activity of the venture, is published at vol. 50, no. 197, p. 41428, October 10, 1985.

Joseph H. Widmar,
Director of Operations Antitrust Division.
[FR Doc. 86-11030 Filed 5-15-86; 8:45 am]
BILLING CODE 4410-01-M

Proposed Termination of Final Judgment; American Savings Bank, FSB, et al. (Mortgage Conference of New York)

Notice is hereby given that American Savings Bank, FSB, Apple Bank for Savings, Bankers Trust Company, The Bowery Savings Bank, The Canada Life Assurance Company, Chase Manhattan Bank, N.A., Chemical Bank, Citibank, N.A., Crossland Savings, FSB, Dime Savings Bank of New York, Dollar Dry Dock Savings Bank of New York, Eastern Savings Bank, Emigrant Savings Bank, Irving Trust Company, Manhattan Savings Bank, Manufacturers Hanover Trust Company, Morgan Guaranty Trust Company of New York, New York Life Insurance Company, The Prudential Insurance Company of America, Savings

Banks Trust Company, The Seamen's Bank for Savings, FSB, and Tigor Title Guarantee Company ("defendants") have filed with the United States District Court for the Southern District of New York a joint motion to terminate the final judgment in *United States of America v. The Mortgage Conference of New York, et al.*, Civil No. 37-247; and the Department of Justice ("Department"), in a stipulation also filed with the Court, has consented to termination of the judgment, but has reserved the right to withdraw its consent pending receipt of public comments. The complaint in this case (filed on August 6, 1946) alleged a combination and conspiracy in restraint of trade and commerce in setting mortgage interest rates, mortgage payment schedules, and appraisal procedures in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. Specifically, the complaint described how by creating a trade association, The Mortgage Conference of New York ("The Mortgage Conference"), the defendants jointly set rental policies for mortgaged properties, exchanged weekly reports of new mortgage commitments, withheld financing for new construction that might lessen income from other mortgaged properties, and engaged in red-lining—jointly refusing on racial or ethnic grounds to grant mortgages in certain neighborhoods, regardless of the qualifications of the applicant or the property in question. The case was settled by entry of a consent decree. The judgment (entered on June 16, 1948) required the dissolution of the Mortgage Conference and enjoined the other defendants from jointly setting rates or terms of mortgages, exchanging information about pending applications, joint red-lining or otherwise refraining from competing in greater New York City, including the counties of New York, Bronx, Kings, Queens, Richmond, Westchester, and Nassau.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the complaint and final judgment, the defendant's joint motion, the stipulation containing the government's consent, the Department's memorandum and all further papers filed with the court in connection with this motion will be available for inspection in the Legal Procedure Unit of the Antitrust Division, Room 7233, Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20530 (telephone 202/633-2481), and at the Office of the Clerk

of the United States District Court for the Southern District of New York, Foley Square, New York, 10007. Copies of any of the materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within thirty (30) days, and will be filed with the court. Comments should be addressed to Barry Grossman, Chief, Communications and Finance Section, Antitrust Division, Department of Justice, Washington, DC 20530 (telephone 202/724-6693).

Dated: May 9, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86-11029 Filed 5-15-86; 8:45 am]

BILLING CODE 4410-01-M

Proposed Termination of Final Judgment; Matthews International Corp.

Notice is hereby given that Matthews International Corporation ("Matthews"), formerly Jas. H. Matthews & Company, has filed with the United States District Court for the Western District of Pennsylvania a petition to terminate the Final Judgment in *United States v. Jas. H. Matthews & Co.*, Civil Action No. 16818; and the Department of Justice ("Department") filed with the Court a memorandum requesting publication of notice of Matthews' petition for termination of the Final Judgment, to provide all interested persons an opportunity to submit comments concerning the petition.

The complaint in this case (filed on March 21, 1958) alleged a conspiracy to restrain trade, a conspiracy to monopolize, an attempt to monopolize, and a monopolization of the manufacturer, sale and distribution of bronze grave markers. The Final Judgment (entered on November 5, 1958) enjoins Matthews from engaging in the conduct that prompted the filing of the Complaint, including, among other things, (1) selling markers to any cemetery which reserves to itself the exclusive right to sell markers within its confines, which refuses to install reasonably appropriate markers which are sold by other retail dealers or which has any rule or established course of conduct which makes it unreasonably difficult or more costly to install within its confines markers sold by others, (2) entering into a requirements contract for markers, (3) entering into an exclusive

contract to supply markers, (4) urging a person to refuse the sale or installation of markers not made by Matthews, and (5) making suggestions to any cemetery to refuse the installation or sales of markers in that cemetery by any person. The Final Judgment also requires Matthews to sell its markers on a non-discriminatory basis to any person who makes a written request and who has been regularly engaged in the retail sale of markers or monuments for the last six months.

Copies of the Complaint and Final Judgment (as modified), Matthews' petition, the Department's memorandum and all further papers filed with the Court in connection with this petition will be available for inspection at Room 7233, Antitrust Division, Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20530 (telephone 202-633-2481), and at the Office of the Clerk of the United States District Court for the Western District of Pennsylvania, 829 United States Post Office & Courthouse, Seventh Avenue & Grant Street, Pittsburgh, Pennsylvania 15219. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the Final Judgment to the Department. Such comments must be received within the sixty day period established by court order, and will be filed with the court. Comments should be addressed to John A. Weedon, Chief, Great Lakes Office, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199 (telephone 216-522-4070).

Dated: May 9, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86-11028 Filed 5-15-86; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 85-55]

Michael B. McCormick, M.D.; Notice of Hearing

Notice is hereby given that on November 13, 1985, the Drug Enforcement Administration, Department of Justice, issued to Michael B. McCormick, M.D., Camarillo, California, an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on April 23, 1985,

for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 1:00 p.m. on Wednesday, June 4, 1986, in the Los Angeles County Courthouse, 111 North Hill Street, Los Angeles, California.

Dated: May 12, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-11060 Filed 5-15-86; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-1]

Donald Patsy Rocco, D.D.S.; Notice of Hearing

Notice is hereby given that on November 26, 1985, the Drug Enforcement Administration, Department of Justice, issued to Donald Patsy Rocco, D.D.S., Salinas, California, an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application for a DEA Certificate of Registration, executed on September 5, 1985, as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 9:30 a.m. on Tuesday, June 3, 1986, in the Los Angeles County Courthouse, 111 North Hill Street, Los Angeles, California.

Dated: May 12, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-11062 Filed 5-15-86; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-34]

Jay Blaine Sorenson, D.D.S.; Notice of Hearing

Notice is hereby given that on March 24, 1986, the Drug Enforcement Administration, Department of Justice, issued to Jay Blaine Sorenson, D.D.S., Salt Lake City, Utah and Newport Beach, California, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his

DEA Certificate of Registration, AS8249776, and deny his undated application, received on December 20, 1985, at the DEA Los Angeles Field Division, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 9:30 p.m. on Thursday, June 5, 1986, in the Los Angeles County Courthouse, 111 North Hill Street, Los Angeles, California.

Dated: May 12, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-11061 Filed 5-15-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (48 Stat. 1494, as amended, 40 U.S.C. 276a) and other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the

minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the

Federal Register are in parentheses following the decisions being modified.

Volume I

Connecticut:	
CT86-1 (Jan. 3, 1986)	pp. 64-65, p. 68.
District of Columbia:	
DC86-1 (Jan. 3, 1986)	pp. 80, pp. 83-84, p. 86.
Maryland:	
MD86-1 (Jan. 3, 1986)	p. 384-386.
MD86-2 (Jan. 3, 1986)	pp. 391.
Pennsylvania:	
PA86-1 (Jan. 3, 1986)	pp. 792-793, p. 795.
PA86-2 (Jan. 3, 1986)	pp. 804-806, p. 809.
PA86-4 (Jan. 3, 1986)	p. 822.
PA86-5 (Jan. 3, 1986)	pp. 829-831.
PA86-22 (Jan. 3, 1986)	pp. 937, 940.
West Virginia:	
WV86-2 (Jan. 3, 1986)	pp. 1116, 1119, pp. 1125, 1137.
WV86-3 (Jan. 3, 1986)	p. 1141.

Volume II

Iowa:	
IA86-5 (Jan. 3, 1986)	pp. 44-45.
Indiana:	
IN86-6 (Jan. 3, 1986)	pp. 284.
Louisiana:	
LA86-5 (Jan. 3, 1986)	pp. 362-363, p. 366, pp. 371-372, p. 376.
Missouri:	
MO86-1 (Jan. 3, 1986)	p. 540.
MO86-2 (Jan. 3, 1986)	p. 559.
MO86-9 (Jan. 3, 1986)	p. 598.
Michigan:	
MI86-4 (Jan. 3, 1986)	p. 423, pp. 425-428.
MI86-7 (Jan. 3, 1986)	pp. 445-461.
New Mexico:	
NM86-1 (Jan. 3, 1986)	p. 639.
Texas:	
TX86-14 (Jan. 3, 1986)	p. 881.
Wisconsin:	
WI86-1 (Jan. 3, 1986)	p. 946.
WI86-3 (Jan. 3, 1986)	p. 953.
WI86-4 (Jan. 3, 1986)	p. 956.
WI86-5 (Jan. 3, 1986)	p. 959.
WI86-6 (Jan. 3, 1986)	p. 963.
WI86-7 (Jan. 3, 1986)	p. 966.
WI86-8 (Jan. 3, 1986)	pp. 969-970, p. 973.
WI86-9 (Jan. 3, 1986)	p. 986.
WI86-10 (Jan. 3, 1986)	pp. 989-990, p. 992.
WI86-11 (Jan. 3, 1986)	p. 999.
WI86-12 (Jan. 3, 1986)	p. 1002.
WI86-13 (Jan. 3, 1986)	p. 1005.
WI86-14 (Jan. 3, 1986)	pp. 1008-1009.
WI86-16 (Jan. 3, 1986)	p. 1014.

Volume III

Hawaii:	
HI86-1 (Jan. 3, 1986)	p. 120, pp. 122-123.
Montana:	
MT86-1 (Jan. 3, 1986)	pp. 155-156, p. 158.
Washington:	
WA86-1 (Jan. 3, 1986)	p. 298.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is \$277 per volume. Subscriptions include an annual edition and (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 9th day of May 1986.

James L. Valin,

Assistant Administrator.

[FR Doc. 86-10859 Filed 5-15-86; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

State Employment Security Agency Administrative Financing System; DOL Planned Changes

AGENCY: Employment and Training Administration, Labor.

ACTION: Planned actions in response to public comments.

SUMMARY: This notice announces changes which the Department of Labor plans to make to the administrative financing procedures for the State Employment Security Agency (SESA) system, pursuant to comments received in response to notices published in the *Federal Register* on December 20, 1985, (50 FR 51955) and January 3, 1986, (51 FR 264) and at four public meetings in January 1986.

FOR FURTHER INFORMATION CONTACT: Carolyn M. Golding, Director, Unemployment Insurance Service, Employment and Training

Administration, 601 D Street, NW., Washington, DC 20213 (202/376-6636).

SUPPLEMENTARY INFORMATION: Public meetings were held by the Department of Labor in Dallas, Texas; Chicago, Illinois; Washington, DC; and San Francisco, California, in January 1986. Forty-nine of the 198 attendees provided oral comments. Written comments were received from eighty-four respondents. Comments were received from a wide variety of parties interested in administrative financing of the State Employment Security Agency system, including State agencies, State governors, business and labor groups, and other parties. Respondents identified problems in the administrative financing process and made recommendations for short-term and long-term solutions. The Department of Labor reviewed these comments and proposals and in response is taking the following actions: (1) Announcing its decisions on the following four short-term revisions which reflect a broad consensus of the comments received, and (2) continuing the public discussion through the SESA Administrative Finance Roundtable on proposed long-term revisions to the administrative financing system with the objective of developing a proposal that will receive broad support.

Department of Labor Decisions on Short-Term Changes to the State Employment Security Agency Administrative Financing System

Decision 1: Replace quarterly recapture of unused base Unemployment Insurance (UI) grants-to-states funds with annual recapture only. The appropriation language for the administration of State base Unemployment Insurance operations states in part that contingency funds shall be available for increased costs of administration generally over those upon which the State's basic allocation was based and which cannot be provided for by normal budgetary adjustments. Heretofore, it has been the Department's practice to recapture unused basic UI administrative allocations three times during the year—at the end of the second, third, and fourth quarters—before honoring any requests for contingency funds. This has frequently resulted in States losing funds in one quarter which were needed in subsequent quarters.

The Department will discontinue the second and third quarter recapture processes, and complete the normal budgetary adjustment once annually at the end of the fiscal year. Thirty-four commenters proposed this change, to

increase State flexibility and ability to respond more effectively to changes in current year's needs. This change will have no impact on the contingency process used to finance "... increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claim paid or increased salary costs resulting from changes in State salary compensation plans..." (Department of Labor Appropriation Act, 1986, Pub. L. 98-178, quoted in part).

Decision 2: Substantially reduce fiscal reporting as rapidly as possible, pursuant to Decision 1 and to other changes such as Decision 4. The Department will forward to the Office of Management and Budget for expedited approval revisions to a number of existing reporting and planning forms. These revisions will reduce State reporting burdens and simplify the planning and reporting processes. They will also demonstrate the Department's intent to confine detailed review of State administrative resources to State self-monitoring, to control and monitor administrative expenditures and obligations on a bottom line basis and to focus its attention on performance outcomes. Forty-five commenters suggested giving States greater flexibility and bottom-line authority over expenditures. (Earlier, in response to State concerns about overlap and duplication between the quality appraisal and quality control systems, instructions eliminating overlap were issued.) At the present time, the current method used to allocate administrative resources to States will not change, although Decision 2 will reduce Federal monitoring and reporting requirements on the use of these resources.

Decision 3: Eliminate detailed Federal monitoring of State financial administration of the UI program. Eighteen commenters cited this as a problem; ten suggested reduced monitoring as a solution. Routine Federal fiscal monitoring will be limited to total dollar utilization for the UI program. Consistent with the other changes being made, the current quarterly monitoring of spending by line item and by salary and nonpersonal service cost categories will be eliminated. Current requirements for corrective action planning and follow-up monitoring for States failing to meet the Secretary's standards for performance (20 CFR, Ch. V, Part 640 and 650, Employment and Training Administration Handbook 365, and Unemployment Insurance Program Letter 9-86) will remain unchanged. As a

result, States will have increased flexibility to move resources among program categories, among quarters within a fiscal year, and among cost categories. States will not be held accountable by specific cost category, but rather on a bottom line basis, and State managers will gain the flexibility to use UI administrative resources based on State assessment of needs. The Department will focus its monitoring on State performance outcomes rather than on expenditure by cost category. Requirements for grant officer's prior approval of expenditures contained in Federal regulations (41 CFR, 29-70.103) will be delegated to the States. States will continue to be required to provide additional information to the Department on any requests for supplemental funding to justify the need for increased funds for changes in State law or for increased salary costs; the Department has streamlined its procedures for handling such requests.

Decision 4: Consolidate contingency categories and contingency overhead funding. Many commenters criticized the present contingency system as too complex, and urged simplification. The Department will consolidate contingency financing and reporting categories consistent with reduced overall financial planning and reporting requirements, as outlined in Decision 2. Contingency support resources for nonpersonal services, UI support, and administrative staff and technical resources will be provided as a flat percentage add-on to direct workload entitlement. This change will simplify and reduce State reporting, increase State flexibility in the use of resources and reduce Federal workload. This change will result in more stable and predictable resource expectations for States and simplify State planning for anticipated workload increases.

The Department plans to implement these decisions as soon as possible. Decision 1 is expected to be implemented in field office instructions within the next few weeks. Revised planning and reporting instructions will be issued as soon as possible to implement Decision 2. Field office guidance to implement Decisions 3 and 4 will be issued as soon as possible, with the objective of implementing Decision 3 upon issuance and Decision 4 effective October 1, 1987.

The Department is continuing the public discussion on possible long-term revisions to the administrative financing system as a result of commenters' suggestions on changes to the current allocation system and to the statutory

framework which defines and authorizes the current administrative financing system. Any proposals for such long-term changes will be published separately for notice and comment in the *Federal Register* before the Department makes any decisions.

Signed at Washington, DC, on May 12, 1986.

Roberts T. Jones,

Deputy Assistant Secretary of Labor.

[FR Doc. 86-11189 Filed 5-15-86; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meetings:

Name: Advisory Committee for Engineering.

Date and Time: June 5-6, 1986; 9:00 a.m.-

5:00 p.m., June 5; 9:00 a.m.-3:00 p.m., June 6.

Place: National Science Foundation, 1800 G Street NW., Room 540, Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Mrs. Mary Poats, Executive Secretary, Advisory Committee for Engineering, Room 537, National Science Foundation, Washington, DC 20550, Telephone: (202) 357-9571.

Summary Minutes: Mrs. Mary Poats at the above address.

Purpose of Advisory Committee Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering programs and activities.

Summarized Agenda: Discussion on issues, opportunities and future directions for the Engineering Directorate; discussion of the Engineering Research Centers Program; discussion of Engineering Directorate budget situation as well as other items.

M. Rebecca Winkler,

Committee Management Officer.

May 13, 1986.

[FR Doc. 86-11122 Filed 5-15-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Ocean Sciences (ACOS); Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Ocean Sciences (ACOS).

Date and Time: June 5, 6, 1986—8:30 a.m. to 5:00 p.m. each day.

Place: Room 351, National Academy of Sciences, 21st and Pennsylvania Avenue NW., Washington, DC.

Type of Meeting: Open.

Contact Person: Dr. M. Grant Gross, Director, Division of Ocean Sciences, Room 609, National Science Foundation, Washington, DC—Telephone: 202/357-9639. Summary Minutes: May be obtained from the contact person.

Purpose of Committee: To provide advice and recommendations concerning oceanographic research and its support by the NSF Division of Ocean Sciences.

Agenda

The Committee will hold morning and afternoon Sessions on both days. Following opening remarks and general introductions—the Committee will hear several presentations and status reports of current and topical interest from various officials and representatives from NSF, other departments and agencies, and other organizations active in ocean science matters. The Committee will also hear reports from subcommittees ranging from Manpower to Oversight Review and determine a proper course of action based on the information and circumstances presented. The committee will also discuss scheduled revisions of the Long-Range Plan for Ocean Sciences and formulate guidance and direction for the continuing planning process. The Committee will also conduct necessary administrative functions in accordance with established custom and practice with respect to: approval of the minutes of the previous meeting; determination of time and place of the next meeting; as well as any other appropriate business.

M. Rebecca Winkler,

Committee Management Officer.

May 13, 1986.

[FR Doc. 86-11123 Filed 5-15-86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on June 3, 1986, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Tuesday, June 3, 1986—8:30 a.m. until 12:00 noon.*

The Subcommittee will review recent events at operating plants.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: May 12, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-11119 Filed 5-15-86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Severe (Class 9) Accidents; Meeting

The ACRS Subcommittee on Severe (Class 9) Accidents will hold a meeting on June 3, 1986, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Tuesday, June 3, 1986—1:00 p.m. until 5:00 p.m.*

The Subcommittee will review final draft of NUREG-0956, "Reassessment of the Technical Bases for Estimating Source Terms."

Oral statements may be presented by members of the public with the concurrence of the Subcommittee

Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: May 13, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-11118 Filed 5-15-86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Safety Research Program; Meeting

The ACRS Subcommittee on Safety Research Program will hold a meeting on June 4, 1986, Room 1046, 1717 H Street NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Wednesday, June 4, 1986—8:30 a.m. until the conclusion of business.*

The Subcommittee will continue its discussion on the proposed NRC Safety Research Program and Budget for FY 1988 and 1989. It will discuss also a Draft ACRS report to the Commission on this matter.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS Staff member, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: May 12, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-11120 Filed 5-15-86; 8:45 am]

BILLING CODE 7590-01-M

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Bi-Weekly Notice

Correction

In FR Doc. 86-10031 beginning on page 16919 in the issue of Wednesday, May 7, 1986, make the following correction:

On page 16940, in the third column, under the heading "Virginia Electric and Power Company . . .", in the twenty-second line, "April 24" should read "April 22".

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

[CM-8/970]

Shipping Coordinating Committee;
Notice of Two Meetings

The Shipping Coordinating Committee (SHC) will conduct an open meeting on June 12, 1986 at 9:30 AM, in Room 6319, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC.

The purpose of the meeting is to finalize preparations for the 56th Session of the Council of the International Maritime Organization (IMO) which is scheduled for June 16-20 in London. In particular, the SHC will discuss the development of the U.S. positions dealing with, inter alia, the following topics:

- Reports of the various committees
- Financial and personnel matters
- Status of conventions

Members of the public may attend up to the seating capacity of the room.

For further information, please contact Mr. G.P. Yoest, U.S. Coast Guard Headquarters, (G-CPI), 2100 Second Street SW., Washington, DC. 20593, Tel: (202) 426-2280.

Subcommittee on Safety of Life at Sea
Working Group on Fire Protection

The U.S. Safety of Life at Sea (SOLAS) Working Group on Fire Protection will conduct an open meeting on June 18, 1986 at 9:30 am, in Room 1103, U.S. Coast Guard Headquarters, 2100 Second Street SW. Washington, DC.

The purpose of this meeting will be to discuss results of the 31st Session and plans for the 32nd Session of the International Maritime Organization (IMO) Subcommittee on Fire Protection, February 24-28, 1986, including: location and separation of spaces, location of fire control plans, flame spread test for interior finish and deck coverings, portable and fixed halon units, bow and stern loading, helicopter facilities, fire

standards for bedding, upholstered furniture, guidelines for cargo tank venting, oxygen liberation, materials other than steel for pipes, floating reception facilities, and other miscellaneous subjects.

Members of the public may attend up to the seating capacity of the room.

For further information please contact Mr. Donald J. Kerlin, U.S. Coast Guard (G-MTH-4/13), 2100 Second Street SW., Washington, DC 20593, Tel: (202) 426-2197.

Dated: May 12, 1986.

Richard C. Scissors,
Director, Shipping Coordinating Committee.
[FR Doc. 86-11088 Filed 5-15-86; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 86-5-47; Docket No. 41045]

Proposed Revocation of the Section
401 Certificate of Alaska Aeronautical
Industries, Inc.

AGENCY: Department of Transportation,
Office of the Secretary.

ACTION: Notice of order to show cause,
(Order 86-5-47) Docket 41045.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order revoking the certificate of Alaska Aeronautical Industries, Inc., issued under section 401 of the Federal Aviation Act.

DATE: Persons wishing to file objection should do so no later than May 30, 1986.

ADDRESS: Response should be filed in Docket 41045 and addressed to the Documentary Services Division, Department of Transportation, 400 7th Street, S.W., Room 4107, Washington,

D.C. 20590 and should be served on the parties listed in Attachment A.

FOR FURTHER INFORMATION CONTACT:
Carol A. Szekely, Special Authorities
Division, P-47, U.S. Department of
Transportation, 400 7th Street SW.,
Washington, D.C. 20590, (202) 755-3812.

Dated: May 12, 1986.

Matthew V. Scocozza,
Assistant Secretary for Policy and
International Affairs.

Service List for Alaska Aeronautical
Industries, Inc.

Mr. Houston D. Haynes, President,
Alaska Aeronautical Industries, Inc.,
P.O. Box 6067 Airport Annex,
Anchorage, Alaska 99502
Mr. Daniel Beaudett, Acting Manager,
Air Transportation Division, AFS-200,
Federal Aviation Administration, 800
Independence Avenue, SW.,
Washington, D.C. 20591
Federal Aviation Administration, Flight
Standards District Office #63, 6601
South Airport Place, Suite 216,
Anchorage, Alaska 99502
Mr. P. Richard Steinman III, Chief,
Alaska Field Office, U.S. Department
of Transportation, 701 C Street Box 27,
Anchorage, Alaska 99513
Ms. Donna Kelly, Official Airline
Guides, 2000 Clearwater Drive, Oak
Brook, Illinois 60521
Military Airlift Command, Attention
TRCC, Scott Air Force Base, Illinois
62225-5001
Military Traffic Management Command,
Attention PTS, 5711 Columbia Pike,
Falls Church, Virginia 22041-5050.

[FR Doc. 86-11128 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-62-M

Agreements Filed During the Week
Ending May 9, 1986

Answers may be filed within 21 days
from the date of filing.

Date filed	Docket No.	Parties	Subject	Proposed effective date
May 6, 1986	44012 R-1-R-38	Members of International Air Transport Association	North/Central Pacific Fares	June 1, 1986.
May 9, 1986	44018 R-1-R-2	Members of International Air Transport Association	Europe Libya Fares	Do.
Do	44019 R-1-R-16	Members of International Air Transport Association	U.S. South Pacific Fares	Do.
May 7, 1986	44013	Air Traffic Conference of America, c/o Nestor N. Pylypec, 1709 New York Avenue, NW., Washington, D.C. 20006. Application of Air Traffic Conference of America pursuant to Section 412 and 414 of the Act submitting amended/new Air Traffic Conference Resolutions taken by Mail Votes consummated on February 21, 1986, April 12, 1986 and April 18, 1986.		

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-11125 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-62-M

[Docket 44016]

United States-Japan Small Package Service Proceeding; Assignment

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications with respect to this proceeding should be addressed to him at U.S. Department of Transportation, Office of Hearings, M-50, Room 9400A, Nassif Bldg, 400 7th Street SW., Washington, DC 20590, telephone (202) 426-5560.

Dated Washington, DC, May 12, 1986.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 86-11126 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-62-M

[Docket No. 44016]

United States-Japan Small Package Service Proceeding; Prehearing Conference

Order 85-5-43, issued May 9, 1986, instituting the above-captioned proceeding, directed that applications, motions to consolidate, and petitions for leave to intervene shall be filed within 7 days thereafter.

Notice is hereby given that a Prehearing Conference in this proceeding is assigned to be held on June 12, 1986 at 9:30 a.m. (local time) in Room 5332, Nassif Bldg., 400 7th Street SW., Washington, DC, before the undersigned Chief Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and three copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for additional information and evidence; (4) statements of position; and (5) proposed procedural dates. These preconference submissions shall be served on or by June 5, 1986.

Dated at Washington, DC, May 12, 1986.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 86-11127 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration**Task Force Report V-Tail Bonanza Investigation; Availability**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of task force report V-tail Bonanza investigation.

SUMMARY: This report provides the results of an independent study of the Beech Aircraft V-tail Bonanza by the Transportation Systems Center (TSC), Cambridge, Massachusetts, contracted for by the FAA, and a Foreword to the report prepared by the FAA.

DATE: The report was published in January, 1986.

ADDRESSES: Send all requests for the report to: Federal Aviation Administration, Attn: Technical/Administrative Support Staff Office, ACE-103, 601 E. 12th Street, Kansas City, Missouri 64106, together with payment in the amount of \$19.60, or \$25.60 for a certified true copy.

FOR FURTHER INFORMATION CONTACT: Larry Malir, Aerospace Engineer, FAA, Standardization/Evaluation Group Office, Projects and Evaluation Section, ACE-107, 601 E. 12th Street, Kansas City, Missouri 64106; commercial telephone (816) 374-9634 or FTS 758-9634.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this Report by writing to: Federal Aviation Administration, Aircraft Certification Division, ACE-103, 601 E. 12th Street, Kansas City, Missouri 64106. When ordering please submit a check in the amount of \$19.60, or \$25.60, payable to the Treasurer of the United States, for the cost of this Report.

Background

This Task Force Report, consisting of two volumes, is an independent study prepared by TSC, Cambridge, Massachusetts, for FAA under a contract, to define actions necessary to determine whether there are deficiencies inherent in the design of the Beechcraft V-tail Bonanza that contribute significantly to in-flight airframe failure.

Recommendations were made by TSC to the FAA which are being addressed

as described in the FAA Foreword to the report. The FAA is concerned with several findings. These concerns and their proposed resolution are specifically addressed in the Foreword. Issued in Kansas City, Missouri, on May 2, 1986.

Barry D. Clements,

Manager, Aircraft Certification Division.

[FR Doc. 86-11006 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 159—Minimum Aviation System Performance for Global Positioning System; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 159 on Minimum Aviation System Performance for Global Positioning System to be held on June 12-13, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of the Second Meeting Minutes; (3) Review of EUROCAE WG-28 Activities; (4) Report on SC-155 Operations Working Group Activities; (5) Report of the Integrity Working Group; (6) Briefing on Waypoint Entry, Simplification and Error Reduction; (7) Consideration of Working Papers on GPS Minimum System Requirements; (8) Develop Format for Committee Report; (9) Task Assignments; (10) Other Business; and (11) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005, (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 9, 1986.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 86-11007 Filed 5-15-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY**Public Information Collection Requirements Submitted to OMB for Review.**

Date: May 12, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0334
Form Number: ATF REC 5150/3
Type of Review: Extension
Title: Usual and Customary Business Records Relating to Tax-Free Alcohol

OMB Number: 1512-0335
Form Number: ATF REC 5150/4
Type of Review: Revision
Title: Letterhead Applications and Notices Relating to Tax-Free Alcohol

OMB Number: 1512-0336
Form Number: ATF REC 5150/2
Type of Review: Extension
Title: Letterhead Applications and Notices Relating to Denatured Spirits

Clearance Officer: Robert G. Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Joseph F. Maty,

Departmental Reports Management Office.
 [FR Doc. 86-11121 Filed 5-15-86; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY**Radio Engineering Advisory Committee; Meeting**

The Radio Engineering Advisory Committee of the United States Information Agency (USIA) will meet in Greenville, North Carolina, on Wednesday, June 4, 1986, to discuss current operations and future plans of the Voice of America (VOA). The meeting will be held at the USIA VOA Relay Station in Greenville, North

Carolina. The meeting will begin at 8 a.m. Point of contact for the meeting is Terry Balazs, telephone (202) 485-8048.

This meeting will include reports from senior members of the VOA management and engineering staff on the progress being made on the overall VOA modernization and enhancement effort. Specific topics of discussion will include the procurement and testing of 500 kW high frequency broadcasting transmitters, the status of site negotiations and major construction projects and other technical and regulatory issues relating to VOA modernization.

This meeting will be closed to the public because issues relating to future site negotiations for VOA relay stations will be discussed throughout the meeting. This meeting will be closed because disclosure of the matters to be discussed is likely to divulge information that is: (A) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and (B) in fact, is properly classified pursuant to such Executive Order (5 USC 552b(c)(1)).

Dated: May 8, 1986.

Charles Z. Wick,

Director.

[FR Doc. 86-11068 Filed 5-15-86; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 51, No. 95

Friday, May 16, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Wednesday, May 21, 1986.

PLACE: 1776 G Street, NW., Washington, DC 20456, Filene Board Room, 7th Floor.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. NCUA's Long Range Plan.
4. Review of Central Liquidity Facility Lending Rate.
5. Insurance Fund Report.
6. Proposal to Delete Part 709 of NCUA Rules and Regulations regarding Division of Assets, Liabilities, and Capital.
7. Interpretive Ruling and Policy Statement 84-1 to clarify agency policy regarding field of membership amendments for national groups.
8. Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the National Credit Union Administration.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Wednesday, May 21, 1986.

PLACE: 1776 G Street, NW., Washington, DC 20456, Filene Board Room, 7th Floor.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meetings.
2. Administrative Actions under section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative Actions under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Special Assistance under section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Board Briefings. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Communications System. Closed pursuant to exemption (2).
7. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT:

Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

Rosemary Brady,
Secretary of the Board.

[FR Doc. 86-11176 Filed 5-14-86; 1:11 pm]

BILLING CODE 7535-01-M

2

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 19, 1986:

Open meetings will be held on Tuesday, May 20, 1986, at 2:30 p.m., and Thursday, May 22, 1986, at 11:00 a.m., in Room 1C30. A closed meeting will be held on Tuesday, May 20, 1986, following the 2:30 p.m. open meeting.

The Commissioners, Counsel to the Commission, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meeting scheduled for Tuesday, May 20, 1986, at 2:30 p.m., will be:

1. Consideration of whether to: (1) issue a notice of filing of an application for an order,

pursuant to Sections 6(c), 17(b) and 17(d) of the Investment Company Act of 1940 and Rule 17d-1 thereunder, so that the IDS Mutual Fund Group may lend portfolio securities to Shearson Lehman Brothers, an affiliated broker-dealer; and (2) authorize the Secretary to issue an order "By the Commission" granting the application, if no request for a hearing is filed. For further information, please contact George Martinez at (202) 272-3024.

2. Consideration of whether to adopt Rule 151 under the Securities Act of 1933, which would provide a "safe harbor" for certain types of annuity contracts. The rule would define the term "annuity contract," as used in Section 3(a)(8) of the Act, to include any contract offered by a corporation subject to state insurance regulation, under which the insurer assumes the investment risk, and which is not marketed primarily as an investment. For further information, please contact Joseph R. Fleming at (202) 272-3017.

The subject matter of the closed meeting scheduled for Tuesday, May 20, 1986, following the 2:30 p.m. open meeting, will be:

Formal order of investigation.
Modification of administrative proceeding.
Institution of injunctive action.
Institution of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, May 22, 1986, at 11:00 a.m., will be:

Consideration of developments over the last year in the internationalization of the world securities markets and what future actions should be taken in the internationalization area. For further information, please contact Andrew E. Feldman at (202) 272-2414.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ronald Schy at (202) 272-2468.

John Wheeler,

Secretary.

May 12, 1986.

[FR Doc. 86-11168 Filed 5-14-86; 11:56 am]

BILLING CODE 8010-01-M

FOIA Report Card

Friday
May 16, 1986

Part II

Department of Defense

Department of the Navy

Privacy Act of 1974; Annual Publication
of the System of Records; Notice

DEPARTMENT OF DEFENSE**Department of the Navy****Privacy Act of 1974; Annual Publication Systems of Records**

AGENCY: DEPARTMENT OF THE NAVY, DOD.

ACTION: The Department of the Navy is publishing in their entirety the notices for all of the record systems subject to the Privacy Act of 1974, maintained by the Navy as of April 15, 1986.

DATES: The systems are all effective now as all of these system notices listed have been previously published in the *Federal Register* as required by 5 U.S.C. 552a(e)(11) of the Privacy Act of 1974.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, D.C. 20350-2000, telephone: 202-697-1459.

SUPPLEMENTARY INFORMATION: This compilation of Navy systems represents a complete up-to-date listing of all the Navy record systems subject to the Privacy Act including those systems that have been added, or amended since the last published compilation on May 29, 1985 at 50 FR 22735. This compilation is current as of April 15, 1986. This current updated compilation will serve as the new base line of reference when adding, deleting or amending future Navy systems of records. This publication is not within the purview of the provision of 5 U.S.C. 552a(o) which requires the submission of a new or altered system report.

Linda M. Lawson,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.
May 1, 1986.

BILLING CODE 3810-01-M

UNITED STATES NAVY

HOW SYSTEMS OF RECORDS ARE ARRANGED. In the Department of the Navy records are categorized by a Standard Subject Identification Code (SSIC). Each series of records has been assigned a major subject title, followed by a combined alpha-numeric identification number. For example, the systems of records containing financial information would be found under the major subject title, Financial Management. The range of identification records will be from 7000 to 7999. The system of records containing military pay is 7220. If there were multiple systems of records maintained under the NO7220 identification number, they would be identified as NO7220-1,

NO7220-2, NO7220-3, etc. The NO stands for Navy, the four digits indicates that records are related to military and the last digit indicates the first, second, third, etc system or records within the category of military pay.

HOW TO USE THE INDEX GUIDE. The systems of records maintained by the Department of the Navy are contained within the major subject title and numerical series listed below. This list identifies each series in numeric order. Use the list to identify major subject areas of interest.

**SUBJECT SERIES
SYSTEM IDENTIFICATION SERIES**

- Military Personnel
1000-1999
- Telecommunications
2000-2999
- Operations and Readiness
3000-3999
- Logistics
4000-4999
- General Administration and Management
5000-5999
- Medicine and Dentistry
6000-6999
- Financial Management
7000-7999
- Ordnance Material
8000-8999
- Ships Design and Material
9000-9999
- General Material
10000-10999
- Facilities and Activities
11000-11999
- Civilian Personnel
12000-12999
- Aeronautical and Astronautical Material
13000-13999

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular

record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain blanket 'routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy before the individual record system notices begin rather than repeating them in every individual record system.

ROUTINE USE-LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE-DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

ROUTINE USE-DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the

requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE-CONGRESSIONAL INQUIRIES

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

ROUTINE USE-PRIVATE RELIEF LEGISLATION

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

ROUTINE USE-DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

ROUTINE USE-DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE - DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT

A record from a system of records subject to the Privacy Act and maintained by this component may be

disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

ROUTINE USE-DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

ROUTINE USE-DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

ROUTINE USE-DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration (GSA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE-DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration (NARA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

ROUTINE USE-DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DoD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

N01001-1

SYSTEM NAME:

Roster, Naval Reserve Law Companies

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 62) Department of the Navy, 200 Stovall St., Alexandria, Va 22332

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Listing of law program officers in Naval districts having cognizance over Reserve affairs; listing of Naval Legal Service Offices; listing of the staff of the Director, Naval Reserve Law Programs; listing of Naval Reserve Law Company commanding officers; and listing of members of the law companies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Roster contains names and locations of personnel associated with Naval Reserve Law Programs; names of members of law companies, social security number, rank, home and office addresses, name of spouse, and telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

PURPOSE(S):

To facilitate and promote liaison between Naval Reserve Law Companies, law program officers, the Director, Naval Reserve Law Programs, and the Navy's legal assistance program. It is an essential publication used by legal assistance officers Navy-wide. It apprises Naval Reserve Officers of the locations of Reserve units in order

that they participate in the reserve law program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

By names of members and location of Reserve units.

SAFEGUARDS:

Records are maintained under the control of authorized personnel during working hours; the office space in which the rosters are maintained is locked outside official working hours.

RETENTION AND DISPOSAL:

Rosters are retained for approximately two years and destroyed when a new edition is published.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Personal visits may be made to: Reserve Personnel Division Office of the Judge Advocate Room 9S05 Hoffman Bldg II 200 Stovall St. Alexandria, Va. 22332

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO1001-2

SYSTEM NAME:

Naval Reserve Law Program Officer Personnel Information

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants applying for appointment or transfer to Judge Advocate General's Corps of the Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Furnishes information as to applicant's qualifications and intentions to affiliate in Naval Reserve Law Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

PURPOSE(S):

Information is obtained to publish a Directory of Naval Reserve Judge Advocates' location, Reserve assignment, etc. Information in the Directory is made available to Navy Judge Advocates, active and reserve, to enable them to locate and identify the legal expertise of Naval Reserve Judge Advocates in the various states with varying legal qualifications and State licenses and to permit contact between Navy Judge Advocates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, stored in a file cabinet

RETRIEVABILITY:

By officer's name

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the: Office of the Judge Advocate General (Code 62), Department of the Navy, Room 9S05, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Written requests must be signed by the requesting individual, and for personal visits, the individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests should be addressed to: Judge Advocate General (Code 62), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from applicants who are applying for appointment in the Judge Advocate Generals' Corps or from reserve officers requesting transfer to the system manager.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO1001-3

SYSTEM NAME:

Naval Reserve Intelligence/Personnel File

SYSTEM LOCATION:

Commander Naval Intelligence Command 4600 Silver Hill Road Washington, DC 20389

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel of the Naval Reserve Intelligence Program and applicants for affiliation with the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information relating to the individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military

duty assignments and military reserve active duty training and background investigation, qualifications for active military duty assignments and military promotions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301 Departmental Regulations; 10 U.S.C. 503 Department of the Navy 10 U.S.C. 6011 Departmental Regulations; 44 USC 3101, Records Management by Federal Agencies;

PURPOSE(S):

To determine qualifications for members of the Naval Reserve Intelligence Program and to provide a personnel management device for career development programs, manpower and personnel requirements for program activities, assignment of support projects of the reserve program and mobilization planning requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized magnetic tapes; microform; some records may be maintained in file folders.

RETRIEVABILITY:

The file can be accessed for each file element or any combination thereof.

SAFEGUARDS:

GSA approved security containers located in controlled access spaces.

RETENTION AND DISPOSAL:

Records are maintained as long as the individual is a member of the Naval Reserve Intelligence Program. Records are destroyed when member becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command 4600 Silver Hill Road Washington, DC 20389

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the System Manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Reserve Personnel History File data submitted by the individual; background investigation reports from the Naval Investigative Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01001-5

SYSTEM NAME:

MSC/NCSORG Reserve Personnel Record

SYSTEM LOCATION:

Commander, Military Sealift Command, Department of the Navy, Washington, D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Reserve personnel in the MSC/NCSORG Reserve Program

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, social security number, designator, date of birth, home address and phone, active duty training, correspondence courses, education, active military service, civilian employment experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations

PURPOSE(S):

To facilitate COMSC in keeping a current record of MSC and NCSORG reserve personnel. Such information is used to identify location, qualifications, and training assignments of the reservists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data cards or similar record.

RETRIEVABILITY:

By name

SAFEGUARDS:

Records are kept within COMSC Naval Reserve Division Office. No one authorized access outside of Naval Reserve Division personnel. Building employs security guards.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Military Sealift Command, Department of the Navy, Washington, D.C. 20390

NOTIFICATION PROCEDURE:

Information may be obtained from System Manager. Written requests for information should contain full name of the individual, military grade or rate, and date of birth. For personal visits, the individual should be able to provide some acceptable means of identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information is submitted by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-1

SYSTEM NAME:

JAG Corps Officer Personnel Information

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Officers in the Judge Advocate General's Corps, Active Duty

Officers in the Law Education and Excess Leave Programs

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, social security account number, USN/USNR, designator, rank, state bar membership and year admitted, wife's name, no. of dependents, lineal listing by year group, duty assignment, arrival and rotation dates, release date if applicable

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

PURPOSE(S):

To manage the officers of the Navy JAG Corps, as the Judge Advocate General is statutorily required to make recommendation on the assignment of all active duty JAG Corps officers; to determine qualifications of an officer to receive a JAG Corps designation and to be certified as a trial or defense counsel; to determine the rotation dates and release from active duty dates of JAG Corps officers as well as the date new officers will be available for duty; to prepare JAG Corps strength plans for submission to OPNAV; and to obtain an officer's preference for duty assignment as well as eligibility for consideration for postgraduate education and overseas assignments. Certain of this information is promulgated to all active-duty JAG Corps officers in a semi-annual publication known as the Directory of Navy Judge Advocates. The information is promulgated for informational purposes so that officers can determine what positions (billets) might be available should they desire rotation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer strips kept on a strip file (wheel) and paper records kept in a folder identified by the officer's name kept in file cabinets.

RETRIEVABILITY:

By officer's name, folders are filed alphabetically.

SAFEGUARDS:

Records are maintained in the Office of the Judge Advocate General personnel office under the control of

authorized personnel during working hours; the office space in which the storage devices containing the records is locked outside official working hours.

RETENTION AND DISPOSAL:

Upon release from active duty, records are kept three years and then destroyed. Upon retirement from active duty, records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Judge Advocate General (Code 61), Department of the Navy, Room 9S25, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332, Telephone: (202)325-9830

Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Judge Advocate General (Code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

Personnel visits may be made to the JAG Personnel Office, Room 9S25, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information submitted by the officer upon his successful completion of law school and admission to the bar, orders to active duty and subsequent transfer orders, computer strips provided by the Bureau of Naval Personnel on all active duty officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

NO1070-10

SYSTEM NAME:

Aviation Training Jacket

SYSTEM LOCATION:

The Aviation Training Jacket accompanies the individual student to

each Naval Air Command as he progresses in the training program. Upon completion or termination of training, the Aviation Training Jacket is forwarded to the following command: Chief of Naval Air Training
Naval Air Station
Corpus Christi, TX, 78419

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All naval aviators, naval flight officers, naval flight surgeons, aviation warrant officers, and precommissioning training for aviation maintenance duty and aviation intelligence officers. This includes records in the above categories for individuals who do not complete prescribed training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Aviation flight training, practical and academic grade scores, including pre-training aviation test battery scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

PURPOSE(S):

To maintain an up-to-date student flight record and to evaluate the student's individual training progress and qualifications, including aircraft, medical and physiological qualifications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To educational institutions upon individual requests for academic transcripts.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in metal filing cabinets.

RETRIEVABILITY:

Name and date of designation, completion or termination of training.

SAFEGUARDS:

Access is restricted to the individual or those who maintain training records and those who are directly involved with the individual's training or evaluation. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

RETENTION AND DISPOSAL:

Retained at the Chief of Naval Air Training headquarters for six months, then transferred to the Federal Records Center, East Point, GA. Retained for 75 years (SECNAVINST 5212.5B).

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419

NOTIFICATION PROCEDURE:

The individual is informed that the Aviation Training Jacket is being maintained and has ready access to it during training. After training, he can submit written request to the system manager listed above and must provide name, social security number or officer file number, and date of completion or termination of training. Personal visitors can provide proof of identity by military identification card, active or retired, or driver's license and some record of naval service.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Prior educational experience, flight grades, academic grades supporting flight training, physical fitness/survival/swimming proficiency, aviation physiology training and qualifications, and birth certificate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-11

SYSTEM NAME:

Flight Instruction Standardization and Training (FIST) Jacket

SYSTEM LOCATION:

The FIST jacket is located at the various Naval Air Training Commands where the individual may be assigned. The following command can be contacted to determine the location of any specific command. Chief of Naval Air Training Naval Air Station Corpus Christi, TX 78419

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All naval aviators and naval flight officers assigned to duty as instructors

within the Naval Air Training Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of flight instruction standardization and training required of naval aviators and naval flight officers assigned duty as instructors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental regulations

PURPOSE(S):

To ensure that the flight instructor's qualifications are current to instruct in the designated naval aircraft, both academically and physiologically. The system is used to schedule training flights, qualify and designate flight instructors, etc. This system is used by Commanding Officers and training personnel of the command to which the individual is assigned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders in metal file cabinets.

RETRIEVABILITY:

Name, rank, and social security number.

SAFEGUARDS:

Access is restricted to the individual, his commanding officer, or those involved in maintaining training records. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

RETENTION AND DISPOSAL:

Jackets are retained in the individual's command until detachment, at which time it is given to the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419

NOTIFICATION PROCEDURE:

The individual is informed that the FIST jacket is being maintained, participates in its development and, additionally, is required to review the jacket with his instructor periodically.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting content and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Academic tests, Flight performance evaluation, Check flight evaluation, Instructor's evaluation, Command determinations, and, Personal input

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-12

SYSTEM NAME:

Administrative Files System

SYSTEM LOCATION:

Naval Investigative Service (NIS) Headquarters, PO Box 16230, Suitland, Md. 20746

Decentralized Segments - Naval Investigative Service Regional Offices (NISROs) retain duplicate copies of certain segments of the administrative files. Addresses of these offices are included in the directory of Department of the Navy mailing list.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present civilian, military and foreign national personnel assigned world-wide NIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Management System - an automated management information and statistical system containing all needed items of personnel information.

Special Agent Career Development Files - a compendium of Civil Service Performance Evaluation and Ratings and all correspondence unique to the NIS Special Agent, including annual physical examinations, which has a bearing on world-wide assignability, promotion and general career assessment.

Weapons Inventory File - an automated file containing the credential number, badge, weapons and handcuffs assigned to each NIS criminal investigator.

Personnel Security Clearance File - an automated file containing the classified material access level and date of last security clearance for assigned civilian and military personnel of NIS.

Personnel Utilization Data File - an automated file designed to provide statistical information regarding the manner by which available NIS manhours are expended in the execution of its assigned investigative and counterintelligence mission. The file is formed by the submission (monthly) of individual manhour diaries. All assigned personnel input to this system; their manhours are categorized by function.

Freedom of Information and Privacy Requests File. Records relating to requests for information pursuant to the Freedom of Information Act and the Privacy Act of 1974, and responses thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations

PURPOSE(S):

The Personnel Management System: To prepare virtually all personnel documents and personnel statistical studies. It provides such information as the average grade, the total number and composition of personnel at each NIS component and the past assignments of personnel. It is used on a daily basis by personnel in the formation and execution of staffing actions for the various NIS components, informal verification of employee's tenure and the compilation of necessary statistical studies.

Special Agent Career Development Files: Used for in-house agency decisions regarding reassignment, promotion, career training and long-range development. They form in-house agency repository for both adverse and favorable documents regarding Special Agents. The files have a long-range function - that of forming the basis for law enforcement retirement service certification. Though part of the file is duplicated in the official file maintained by the Civilian Personnel Office, the Special Agent Career Development file is considered privileged information and its contents are not released outside NIS. Within NIS, the files are maintained and controlled exclusively within the Career Services Division, NIS HQS, and by assigned personnel to that Division. The files are released for review only to senior management personnel of NIS.

Weapons Inventory File: To identify and inventory credentials, weapons, badges and handcuffs issued to authorized NIS personnel.

Personnel Security Clearance File: To informally verify and authenticate security clearances issued to NIS

personnel. The file has a daily working purpose of acting as a check sheet for the updating of security clearances. It further is the file referred to when the Director, NIS, is required to certify the access level of certain assigned NIS personnel to other Navy commands as well as civilian contractors.

Personnel Utilization Data File: A statistical file from which an indepth analyses of manhour expenditures are surveyed (used exclusively within NIS). The various analyses drawn from the file are used to modify the staffing levels at various NIS components based on actual work level. It further provides a tool to NIS management to gauge the efficiency of all components by comparing their workload with the amount of manhours available.

The records in this system may be used by other DOD components requiring confirmation of security clearance levels and statistical purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To law enforcement activities conducting criminal or suitability investigations.

To the Office of Personnel Management when making personnel determinations, e.g., awards or disciplinary actions.

To credit companies in response to credit queries and to personal physicians regarding medical records.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Personnel Management System, Weapons Inventory File, Personnel Security Clearance File and the Personnel Utilization Data File are stored on magnetic tape in an automated system. The Personnel Management System is composed of visible file cards and computer paper printouts; the Personnel Security Clearance File is composed of computer paper printouts and associated Department of Defense security certification documents, the latter being filed in individual file folders; the Weapons Inventory File and the Personnel Utilization Data File are composed of computer paper printouts only.

The Special Agent Career Development files are composed

exclusively of paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name only in the Special Agent Career Development File. The Weapons Inventory File is queried by either name only or by item number (i.e., badge, credential, weapon, handcuff serial number).

The Personnel Management System is accessed by name and SSN; retrieval is by individual data characteristic such as GS-grade level, duty-station, special qualifications, language qualifications or it may be retrieved by name only or in conjunction with the SSN.

The Personnel Utilization Data File is normally accessed and retrieved by location and functional category of employment (i.e., Special Agent, clerical, etc.). The capability exists, however, to retrieve by SSN. The Personnel Security Classification File is a subordinate file to the Personnel Management System. Accession is by name and SSN. Retrieval is accomplished by computer paper printout in both alphabetical and duty-station format.

SAFEGUARDS:

All files in this system are protected by limited, controlled access, safes, and locked cabinets and doors. Further, visitor control and secure computer software measures (where applicable) are utilized.

RETENTION AND DISPOSAL:

Personnel indexed in the Personnel Management System and the Personnel Security Clearance File are deleted from the magnetic tape data storage upon termination of employment. Residual paper records are retained from two to five years.

Personnel indexed in the Weapons Inventory File are deleted at such time as assigned equipment is returned and accounted for. Residual paper printouts are destroyed at least semi-annually.

The Special Agent Career Development Files are semi-permanent and are retained, at least in essential skeletal format, indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Investigative Service, P.O. Box 16230, Suitland, Md. 20746

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager, above. Individuals submitting requests should provide their full name, date of birth, SSN and dates of employment or assignment with NIS.

In the case of personal visits, individuals requesting access to files in this system will be required to present reasonable proof of identity to minimally include a drivers' license or similar document at least one of which must bear a current photograph and be able to provide (orally) some element of unique identifying data such as name of spouse or a past duty-station with NIS.

RECORD ACCESS PROCEDURES:

Access to files in this system may be gained by written notification or personal visit to the Naval Investigative Service Headquarters at the location specified above. Requests should be directed to the Information and Privacy Coordinator.

CONTESTING RECORD PROCEDURES:

The agency's rule for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

In the case of Personnel Management System and the Personnel Utilization Data System, the individual employee is the prime source of information both for initial access to the files as well as periodic update. The Personnel Security Clearance File information is obtained as a sub-file to the Personnel Management System. The information for the Weapons Inventory File is obtained from personnel charged with the issuance of various items inventoried therein (with verification by the personnel to whom the items are issued.)

Information for the Special Agent Career Development File is received from the individuals supervisors, from various Naval Commands and other Federal and State agencies with whom the Special Agent has had professional contact and from the individual himself. Also, this file contains copies of each physical examination required annually of assigned civilian Special Agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01070-13

SYSTEM NAME:

Nuclear Program Interview and Screening

SYSTEM LOCATION:

Naval Sea Systems Command (Code 08), Washington, D.C. 20362

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel interviewed or considered for assignment or retention in the Naval Nuclear Power Program

CATEGORIES OF RECORDS IN THE SYSTEM:

Interview appropriation folder, interview chronology, interview index card, Navy Enlisted Nuclear Program Technical Screening Sheets, Nuclear Propulsion Officer Candidate Records

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations

PURPOSE(S):

To determine eligibility of individuals for the Naval Nuclear Power Program; to maintain statistical and accounting records on individuals for assignment and retention in the program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, loose leaf binders, and index card box

RETRIEVABILITY:

Name, chronological, Navy rate (if applicable), Social Security Number, approximate date of screen

SAFEGUARDS:

Located in restricted area

RETENTION AND DISPOSAL:

Indefinitely

SYSTEM MANAGER(S) AND ADDRESS:

Naval Sea Systems Command (Code 08), Washington, D.C. 20362

NOTIFICATION PROCEDURE:

Contact System Manager; provide full name, Navy rate (if applicable), Social Security Number, Nuclear Power School Class or dates at attendance (if applicable) and proof thereof, dates of service or screening and proof thereof.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial

determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual; Naval Military Personnel Command; U.S. Naval Academy; current and/or previous commands; Director, Division of Naval Reactors

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-14

SYSTEM NAME:

Next of Kin Information for Sea Trial Riders

SYSTEM LOCATION:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals attending nuclear propulsion plant sea trials of Navy ships

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of next of kin; name, Social Security Number and security clearance of individual

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

PURPOSE(S):

To maintain information necessary to notify the next of kin in case of accident or other emergency of those individuals assigned to nuclear propulsion plant sea trials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3 x 5 index cards

RETRIEVABILITY:

Alphabetically by name

SAFEGUARDS:

Locked in 3-way combination safe in a restricted area

RETENTION AND DISPOSAL:

Indefinitely

SYSTEM MANAGER(S) AND ADDRESS:

Naval Sea Systems Command Code 08
Washington, D.C. 20362

NOTIFICATION PROCEDURE:

Contact System Manager; Provide name and social security number and identify sea trials attended

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

From the individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-2

SYSTEM NAME:

Naval Attache Files

SYSTEM LOCATION:

Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Navy and Marine Corps Officers nominated and/or assigned to duty in the Defense Attache System (DAS)

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records concerning the service and personal history of officers nominated and/or assigned to duty in the DAS and their dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1974, as amended; 5 USC 301, Departmental regulations; 10 USC 503, Department of the Navy; 10 USC 6011, Navy Regulations; 44 USC 3101, Records Management by federal agencies; United States Navy Regulations, 1973 Executive Order 11652, Classification and declassification of National Security Information and Material

PURPOSE(S):

To determine suitability of personnel for security clearances and assignment to the Defense Attache System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of State to determine suitability of personnel for security clearances and assignment to the Defense Attache System.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper files in folders stored in standard GSA safes.

RETRIEVABILITY:

By name of officer.

SAFEGUARDS:

Records are stored in a controlled access area and are accessible only to a very limited number of authorized personnel with proper security clearance and demonstrated need for access.

RETENTION AND DISPOSAL:

Records are opened on individuals when first nominated for attache duty, and retained until six months after completion of attache duty.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager, giving full name, residence address, and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is gained from the subjects of the file, NMPC and Headquarters Marine Corps files of subject's fitness reports, DIS/NIS background, investigations and other sources who are familiar with the subject.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01070-3

SYSTEM NAME:

Navy Personnel Records System

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Navy Department, Washington, D.C. 20370; Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, LA 70159; and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses); Federal Records Storage Centers; National Archives.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Service Jackets and Service Records, correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, promotion, advancement, performance, recruiting, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, discipline and administration of Navy military personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To assist officials and employees of the Navy in the management, supervision and administration of Navy personnel (Officer and enlisted) and the operations of related personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and

administration of military personnel and the operation of personnel affairs and functions.

To officials and employees of the National Research Council in Cooperative Studies of the National History of Disease; of Prognosis and of Epidemiology. Each study in which the records of members and former members of the naval service are used must be approved by the Commander, Naval Military Personnel Command.

To officials and employees of the Department of Health and Human Services, Veterans Administration, and Selective Service Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy.

To officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to the assistance of the members and their dependents and relatives.

To duly appointed Family Ombudsmen in the performance of their duties related to the assistance of the members and their families.

To state and local agencies in the performance of their official duties related to verification of status for determination of eligibility for Veterans Bonuses and other benefits and entitlements.

To officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of their official duties related to the verification of the active duty naval service of members of Congress.

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual the United States Government will be liable for the losses the facility may incur.

To state, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or

other matters under the jurisdiction of such agencies.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name, social security account number, enlisted service number, or officer file number.

SAFEGUARDS:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Washington, D.C. 20370; Commanding Officers, Officers in Charge, and Heads of Department of the Navy activities as listed in the Directory of the Department of the Navy Mailing Addresses.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (ATTN: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370, or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file

number), rank/rate, designator, military status, address, and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB 2), Washington, D.C., for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state, and local court documents; civilian and military investigatory reports; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k) (1) and (5), as applicable. For additional information contact the System Manager.

N01070-4

SYSTEM NAME:

Naval Reserve Security Group Personnel Records

SYSTEM LOCATION:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Reserve Security Group Personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

System comprises records reflecting information pertaining to reservist's ACDUTRA (Active Duty for Training); miscellaneous personnel actions, i.e., in-training status for change of rank/designator/rate; clearance certificate; congratulatory letters to officers upon promotion; history of past ACDUTRA performed; correspondence courses completed; old data cards and clearance eligibility letters

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To verify past active duty and ACDUTRA performed, currency of clearance status, mobilization assignments, and to identify civilian skills acquired.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper-records in file folders

RETRIEVABILITY:

Filed alphabetically by last name of reservist

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained

RETENTION AND DISPOSAL:

Records are retained in active file until reservist has fulfilled drilling obligation or upon discharge or transfer to stand-by reserve

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington D.C. 20390

NOTIFICATION PROCEDURE:

- Send request to SYSMANAGER
- Full name, DPOB, military status, SSN (if you will voluntarily include it) or service number
- Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska

Avenue, NW, Washington D.C., 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requestor

d. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager

RECORD SOURCE CATEGORIES:

District Officers for Naval Reserve Security Group, Commanding Officers of Naval Reserve Security Group Divisions, and, Commanding Officer, Naval Technical Training Center, Pensacola, FL

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

NO1070-5

SYSTEM NAME:

Personnel Resources Information System for Management (PRISM)

SYSTEM LOCATION:

Commander, Naval Security Group Command Naval Security Group Headquarters 3801 Nebraska Avenue, NW, Washington, D. C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Navy and Marine Corps personnel and Naval and Marine Corps Reserve personnel affiliated with the Naval Security Group. Also civilian personnel holding a NAVSECGRU clearance.

CATEGORIES OF RECORDS IN THE SYSTEM:

System comprises automated records reflecting information pertaining to the personnel identification, location, current duties, professional qualifications and experiences, education, rotation data, personal information (marital status, dependents, home of record) and career information (dates of expiration of enlistment, release from active duty and security clearance data)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To plan and manage NAVSECGRU personnel resources. Regularly produced management reports are used to determine adequacy of the personnel manning posture (quantitatively and qualitatively) at NAVSECGRU field activities; trends concerning levels of various NAVSECGRU personnel skills; trends in enlistments, reenlistments, training quotas, retirement, etc.

Personnel of the Naval Military Personnel Command use the information to assist in meeting authorized NAVSECGRU training requirements. NAVSECGRU Area Directors in Atlantic, Pacific and European Commands use the information to determine manning and skill posture within their respective theaters. Officials of NAVSECGRU field stations world-wide use the information to determine numbers and skills of personnel ordered to report to duty. Officials of the Naval Technical Training Center, Pensacola, Florida use the information to mail advancement examinations and other training materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the National Security Agency to assess adequacy of personnel levels and skills in meeting national cryptologic requirements.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored on magnetic tapes, discs, punched cards, microfiche and computer paper printouts.

RETRIEVABILITY:

Records are retrieved by name, social security number, skill codes, duty stations, career information (dates of enlistment, expected release), education, rating and paygrade.

SAFEGUARDS:

The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Records and computer printouts are

available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Computer magnetic tapes are erased three months after they are created. Punched cards are converted to magnetic tape and destroyed. Microfiche and paper printouts are retained 3 years or until superseded.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Security Group
Command Naval Security Group
Headquarters 3801 Nebraska Avenue,
NW, Washington, D.C. 20390

NOTIFICATION PROCEDURE:

Send request to SYSMANAGER. Full name, DPOB, military status, SSN (if you will voluntarily include it) or service number.

Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, D.C. 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requestor. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting content and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Chief of Naval Personnel MAPMIS (Manpower Management Information System) ADP file; Naval Security Group field sites; Naval Security Group Field Office Representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-6

SYSTEM NAME:

Employee Explosives Certification Program

SYSTEM LOCATION:

Organization elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel involved in the process or evolutions of explosives operations

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual certifying document and combined register of all employees certified

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To record the names of all employees and their qualifications to work in certain categories of explosive operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, punched cards

RETRIEVABILITY:

SSN, Name

SAFEGUARDS:

Personnel escort required

RETENTION AND DISPOSAL:

Permanent, unless employee terminates or is no longer involved in explosives processes. Document returned to employee's department for routine disposal after deletion from program

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer or head of the organization in question. See directory of Department of Navy mailing addresses.

NOTIFICATION PROCEDURE:

Individuals may inspect personnel certifying documents at local activity to which individual assigned. Requesters must be escorted and provide identification for inspection of their personnel records.

RECORD ACCESS PROCEDURES:

The agency rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial

determinations by the individual concerned may be obtained from the System Manager

RECORD SOURCE CATEGORIES:

Personnel files, previous supervisors

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01070-7

SYSTEM NAME:

Resale System Military Management Information System

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past military officer and key enlisted personnel assigned to the Navy Resale System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Management Information System (including: Name; rank or rate; social security number; designation date of rank; date reported; rotation date; educational level; lineal number; dependency status) Card file on officers assigned (including: dates in navy resale system; location of assignments) Correspondence folder with Officer and senior enlisted personnel (containing: preference of assignment; biographical information; and orders)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC301 and 10USC5031

PURPOSE(S):

Officials and employees of the Navy Resale and Services Support Office in the performance of their official duties related to the management, supervision and administration of its personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: Magnetic tape; printed reports; card files and file folders.

RETRIEVABILITY:

Name; rank or rating, social security number

SAFEGUARDS:

Locked file cabinets; locked archives; supervised office spaces and supervised computer tape library which is accessible only through the computer center (entry to computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL:

Records are permanent. Records are maintained for five years and then retired to the Federal Records Center, St. Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

Record Holder: Director, Office of Military Personnel (OMP), Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

In the initial inquiry, the requester must provide full name, social security number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

U.S. Navy Manpower Information System; the Naval Military Personnel Command, the individual; the individual's superior officer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO1070-8

SYSTEM NAME:

Correction Board Case Files System.

SYSTEM LOCATION:

Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370; decentralized segments located in the Naval Military Personnel Command, Headquarters, U.S. Marine Corps, and the individual military personnel record of the service member concerned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member or former member of the U.S. Navy or Marine Corps who has applied for the correction of his/her naval record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of file cards with basic information and computer records derived therefrom, case files containing records of board proceedings, material submitted for correction and supporting documentation, correspondence and transcripts of board formal hearings. The basic case information and computer records derived therefrom include the following: rank; social security number/service number; docket number; date application received; subject category; subject category description; examiner's initials; date examiner assigned; branch of service; board decision; date of board decision; date decision promised if interested members of Congress; date case forwarded to the Secretary of the Navy; lineal number of officer applicant; officer designated; date officer case forwarded to Naval Military Personnel Command/Commandant of the Marine Corps; date officer case returned from Naval Military Personnel Command/Commandant of the Marine Corps; date advisory opinion requested; identity of advisor's organization; date advisory opinion received; date service record ordered; date medical record ordered; date court-martial record ordered; date confinement record ordered; date Navy Discharge Review Board record ordered; date other record ordered; date service record received; date medical record received; date court-martial record received; date confinement record received; date Navy Discharge Review Board record received; date other record received; number of Navy applications received; number of Marine Corps applications received; total number of Navy and Marine Corps applications received; percent of total to grand total; total number of Navy discharge cases; total number Marine Corps discharge cases; Navy grant count; Navy deny count; Navy modify count; Marine grant; Marine deny count; Marine modify count.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1552, Title 10 United States Code; Part 723 Title 32 Code of Federal Regulations.

PURPOSE(S):

To review applicant's Naval record to determine the existence of alleged error or injustice and to recommend appropriate corrective action when warranted - to report its findings, conclusions and recommendations to the Secretary of the Navy in appropriate cases - to respond to inquiries from applicants, their counsel, and members of Congress.

To provide officials of the Naval Military Personnel Command with advisory opinions in cases involving present and former Navy personnel - to correct records of present and former Navy personnel in accordance with approved Board decisions.

To provide officials and employees of the Naval Medical Command with advisory opinions on medical matters.

To provide the Naval Council of Personnel Boards/Office of Naval Disability Evaluation with advisory opinions on medical matters.

To provide officials and employees of HQ, U.S. Marine Corps with advisory opinions in cases involving present and former Marine Corps personnel - to correct records of present and former Marine Corps personnel in accordance with approved correction Board decisions.

To officials and employees of the Litigation Division, NJAG, to prepare legal briefs and answers to complaints against the Department of the Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained as paper and microfiche records in file folders, and manually retrieved file cards.

RETRIEVABILITY:

Records are filed alphabetically, by the last name of the applicant and are cross filed by docket number, and service or social security account numbers.

SAFEGUARDS:

Access to building is protected by uniformed security officers requiring positive identification; for admission after hours, records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

All file cards are permanently retained by the agency. Case files are permanent. They are retained in the active files for three years and then retired to the Washington National Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify a full name, and social security account numbers or service numbers. Visitors should be able to provide proper identity, such as a driver's license. Written requests must be signed by a requester or his/her legal representative.

RECORD ACCESS PROCEDURES:

Information may be obtained from the Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370 by providing name, military status, branch of service and social security number. Current address and telephone numbers should be included. Personal visits may be made only to the Board for Correction of Naval Records, Arlington Annex, Columbia Pike and Southgate Road, Arlington, Virginia. For personal visits, identification will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents of records and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

All official Naval records, Veteran's Administration and Police and Law enforcement records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NO1070-9

SYSTEM NAME:

White House Support Program

SYSTEM LOCATION:

White House Liaison Office, Office of the Secretary of the Navy, Department of the Navy, Washington, DC 20350.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps military and civilian personnel and contractor employees who have been nominated by their employing activities for assignment to Presidential support duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, correspondence, and other documents and records in both automated and nonautomated form concerning classification, security clearances, assignment, training, and other qualifications relating to suitability for Presidential support duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

PURPOSE(S):

To evaluate and nominate individuals for assignment to Presidential support duties; to ensure that only those individuals most suitably qualified are assigned to duty in Presidential support activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees in the Executive Office of the President in the performance of their duties related to personnel administration, and evaluation and nomination of individuals for assignment to Presidential support duties.

To officials and employees of other federal agencies and offices, upon request, in the performance of their official duties related to the provision of Presidential support and protection.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records may be stored on magnetic tapes, disc drums, and on punched cards. Manual records may be stored in file folders, or microform.

RETRIEVABILITY:

Manual Records: By name if individual has been nominated and not yet approved. By OSD approval date if individual has been approved, and by

employing activity removal date if an individual is removed from assignment for cause. Automated records may be retrieved by name, social security number, and control number.

SAFEGUARDS:

Records are afforded appropriate protection at all times, stored in locked rooms and locked file cabinets, and are accessible only to authorized personnel who have a definite need to know and who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps records.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Aide to the Secretary of the Navy, Navy Department, Washington, D.C. 20350

NOTIFICATION PROCEDURE:

Requests from individuals by correspondence should be addressed to the Office of the Administrative Aide to the Secretary of the Navy, Navy Department, Washington, D.C. 20350. Visits are limited to the Office of the Administrative Aide to the Secretary of the Navy. Written requests should contain the full name of the individual and his social security number. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and other Department of Defense components; federal, state, and local court documents; civilian and military investigative reports; general correspondence concerning the individual; and federal and state agency records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (2), (3) and (5).

as applicable. For additional information, contact the System Manager.

N01080-1

SYSTEM NAME:

Enlisted Master File Automated System

SYSTEM LOCATION:

Naval Military Personnel Command, Navy Department, Washington, D. C. 20370; Personnel Management Information Center, New Orleans, LA 70159; Naval Reserve Personnel Center, New Orleans, LA 70159

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy Enlisted Personnel: Active and Inactive

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer file contains data concerning enlisted assignment, planning, programming, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and enlisted reserve drill data. The system also contains Activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer extracts, microform, and printed reports therefrom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To assist in the administration, management, and supervision of Navy enlisted personnel and the operation of personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of Navy enlisted personnel affairs and functions.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or government agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of

the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disks, drums and on punched cards.

Printed reports and other related documents supporting the system are stored in authorized areas only.

RETRIEVABILITY:

Automated records are retrieved by Social Security Account Number.

SAFEGUARDS:

Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure will result in harm, embarrassment, inconvenience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted management, placement, and distributing personnel who are directed to respond to valid, official requests for data. These accesses are controlled and monitored by the Security System.

RETENTION AND DISPOSAL:

Automated records are retained in accordance with MAPMIS manual (periods range from 1 month to permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D. C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence from active duty enlisted personnel shall be addressed to: Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator), Navy Department, Washington, D. C. 20370; requests by correspondence from inactive duty and reserve personnel shall be addressed to: Commanding Officer, Naval Reserve Personnel Center (Attn: Privacy Act Coordinator), New Orleans, La 70149; request shall contain full name, social security account number, rank, status, and signature of requestor.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and Department of Defense and Components thereof in performance of their office duties and as specified by current instructions and regulations promulgated by competent authority; educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01080-2

SYSTEM NAME:

Officer Master File Automated System

SYSTEM LOCATION:

Naval Military Personnel Command, Navy Department, Washington, D.C. 20370; Personnel Management Information Center, New Orleans, LA 70149; Naval Reserve Personnel Center, New Orleans, LA 70149

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Naval Officers; commissioned, warrant, active, inactive; officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer file contains data concerning officer assignment, planning, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and Reserve Officer drill data. System also contains activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill Reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer file extracts, microform and printed reports therefrom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 USC 301 Departmental Regulations

PURPOSE(S):

To assist officials and employees of the Navy in their official duties related to the management, supervision, and administration of both active duty and retired Naval officers, and in the operation of personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of Navy officer personnel and the operation of personnel affairs and functions.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated Records are stored on magnetic tapes, disks, drums and on punched cards. Printed reports and other paper documents supporting the system are stored in authorized personnel areas only.

RETRIEVABILITY:

Automated records are retrieved by Social Security Account number.

SAFEGUARDS:

Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure that would result in harm, embarrassment, inconvenience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are distributing personnel who are directed to respond to valid, official request for data. These accesses are controlled and monitored by the Security System.

RETENTION AND DISPOSAL:

Records are retained in accordance with MAPMIS Manual (periods range from 1 month to permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Active duty Navy Officers/Officer Candidates shall request by correspondence addressed to: Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. Naval Reserve and retired officers shall request by correspondence from Commanding Officer, Naval Reserve Personnel Center, New Orleans, LA 70149. Requests shall contain full name, Social Security Account Number, rank, status, address and signature of the requestor.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense and components thereof, in performance of their official duties and as specified by current Instructions and Regulation promulgated by competent authority; official records of professional qualifications; Educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01130-1

SYSTEM NAME:

Low Quality Recruiting Report

SYSTEM LOCATION:

Commander, Naval Recruiting Command 4015 Wilson Blvd Arlington, Va 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reports of enlisted performance

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of performance

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

Used by the Navy Recruiting Command, the Chief of Naval Education

and Training, the Chief of Naval Technical Training and the Recruit Training Center to evaluate the quality of recruits with a view towards improvement of recruitment and training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File Folder

RETRIEVABILITY:

Random filing by submitting activity

SAFEGUARDS:

Maintained in locked safe in controlled building

RETENTION AND DISPOSAL:

Two years

SYSTEM MANAGER(S) AND ADDRESS:

Commander Navy Recruiting Command

NOTIFICATION PROCEDURE:

By individual request upon presentation of letter or identification. Must provide program and name.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Service Record entries, Commanding Officers performance evaluations

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01131-1

SYSTEM NAME:

Officer Selection and Appointment System

SYSTEM LOCATION:

Primary System - Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Decentralized segments - Headquarters, Navy

Recruiting Activities and subsidiary offices; Armed Forces Entrance and examining Centers; Bureau of Naval Personnel; Bureau of Medicine and Surgery; National Personnel Records Centers; Naval Reserve Units; Naval Education and Training Activities; NROTC Units; Naval Sea Systems Command Headquarters; Naval Intelligence Command and subsidiary activities; Department of Defense Medical Examination Review Board.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made application for direct appointment to commissioned grade in the Regular Navy or Naval Reserve, applied for officer candidate program leading to commissioned status in the U.S. Naval Reserve, applied for a Navy/Marine Corps sponsored NROTC scholarship program or preparatory school program, applied for interservice transfer to Regular Navy or Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and non-automated form concerning any applicant's personal history, education, professional qualifications, physical qualifications, mental aptitude, character and interview appraisals, National Agency Checks and certifications of background investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, United States Code, Sections governing authority to appoint officers. 10 USC Sections 591, 600, 716, 2107, 2122, 5579, 5600. Merchant Marine Act of 1939 (as amended); Executive Orders 9397, 10450, 11652; 5 USC 301 Departmental Regulations.

PURPOSE(S):

To manage and contribute to the recruitment of qualified men and women for officer programs and the regular and reserve components of the Navy. To ensure quality military recruitment and to maintain records pertaining to the applicant's personal profile for purposes of evaluation for fitness for commissioned service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of other Departments and agencies of the

Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Name and social security number applicant

SAFEGUARDS:

Records kept in file cabinets and offices locked after working hours. Based on requirements of user activity, some buildings have 24-hour security guards.

RETENTION AND DISPOSAL:

Application records maintained six months; after six months, summary sheets maintained for 5 years at National Record Storage Center. NROTC application records kept for current year only. Correspondence files maintained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander Naval Recruiting Command (Attn: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, Va. 22203; or, Chief of Naval Reserve (Code 111C), New Orleans, Louisiana, 70146, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. Letter should contain full name, address, social security account number and signature.

The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Va. 22203. Proof of identification will consist of picture-bearing or other official identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Navy Recruiting personnel and employees processing application; Medical personnel conducting physical examination and private physicians providing consultations or patient history; character and employer references named by applicants; educational institutions, staff and faculty members; Selective Service Commission local state, and Federal law enforcement agencies; prior to current military service record; members of Congress; Commanding Officer of Naval Unit, if active duty; Department of Navy offices charged with personnel security clearance functions. Other officials and employees of the Department of the Navy, Department of Defense, and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (k)(1), (5), (6) and (7), as applicable. For additional information, contact the System Manager.

N01131-2

SYSTEM NAME:

U.S. Naval Academy Admissions Records

SYSTEM LOCATION:

U.S. Naval Academy, Leahy Hall, Annapolis, Maryland 21402.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All candidates for admission to the Naval Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Admissions records, including information on nominations and appointments, and candidate guidance files. Admissions files contain personal data, personal statements, transcripts from previous academic institutions, admission tests results, physical aptitude exam results, recommendation letters from school officials and others, interest inventory, extracurricular

activities report, and report of officer interview. Nominations and appointments records consist of card files all Congressional Offices and who each congressman appointed; files of candidates nominated for the following academic year; status cards, indexed by nominating source, of all candidates appointed, admitted, and graduated or resigned prior to graduation. Similar files are separately kept on foreign candidates. Candidate guidance files consist of precandidate questionnaires concerning educational background, personal data, physical data, extracurricular activities and employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 6956, 6957, and 6958, 44 U.S.C. 3101.

PURPOSE(S):

To evaluate eligibility/potential and establish an audit trail of candidate profiles by obtaining information for the initiation of formal officer accession programs in conjunction with the admissions process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are filed in folders or index boxes, and stored in file cabinets in the appropriate offices.

RETRIEVABILITY:

Basic admissions records are retrieved by use of a six digit candidate number. Nominations and Appointment records are indexed either by candidate names or by nomination source. Candidate guidance questionnaires are stored by candidate names alphabetically.

SAFEGUARDS:

Visitor control and all files are kept in locked file cabinets and locked offices.

RETENTION AND DISPOSAL:

Admissions records of admitted candidates are kept by the Registrar's office after a candidate reports. Unsuccessful candidate files are kept for one year in locked file, then destroyed. Nomination and Appointment files vary in retention. All Congressional Office

card files are kept for 10 years on the premises. Status cards of admittees are kept until graduation or resignation, and then transferred to the Academy archives and microfilmed. Nominations files are disposed of yearly through normal refuse removal methods. Candidate guidance files are destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Admissions Officer, Office of the Dean of Admissions, U.S. Naval Academy, Annapolis, Maryland 21402.

NOTIFICATION PROCEDURE:

Written request may be made to the system manager.

RECORD ACCESS PROCEDURES:

Rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Educational institutions, nominating sources, individual candidates, school officials, personal statements, Blue and Gold officer interviews, and letters of recommendation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01133-1

SYSTEM NAME:

NAME/LEAD Processing System

SYSTEM LOCATION:

Primary System, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have responded to Navy advertising, requested their names not be used in future Navy advertising, students throughout the country who may be qualified for enlistment, first-term enlistees on active duty in the U. S. Navy, veterans, enlisted discharged personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated and non-automated form containing personal records and correspondence on both education, service, and Navy program information on potential Navy applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5531; Section 133, 503, 504, 508, 510; 5 USC Sections 301, 302; 44 USC Sections 3101, 3702

PURPOSE(S):

To provide field recruiters with names of individuals who have responded to Navy advertising, students who may be qualified for enlistment, first-term enlistees in the U.S. Navy, veterans, and enlisted personnel who have been discharged. To provide an interface between Navy Recruiters and members of the civilian community. To generate prospective applicants for enlistment in the U.S. Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on disks, magnetic tape or on punched cards in a limited access area.

Computer print outs are stored in locked filing cabinets or file folders

RETRIEVABILITY:

Information can be accessed by name, program and social security account number.

SAFEGUARDS:

Lists and files are handled with maximum security during processing and storage, and are accessible to routine users only and then only through a selected group of individuals charged with security of the lists. Files are stored in a limited access area and coded so

that only several persons have both knowledge of the code and access to the files.

RETENTION AND DISPOSAL:

A record is maintained of all outgoing automated responses, and disposed of in accordance with Departmental Regulations.

Compiled lists and commercial purchased lists are maintained for certain period of time depending on the usefulness and currentness of the information, and disposed of in accordance with Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

Requests should be addressed to: Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Requester is required to provide a full name, address, and signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Parents, influentials, friends and associates of the subject of the records and officials and employees of the Department of the Navy, Department of Defense, and the Veterans Administration in the performance of their official duties and as specified by current Instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO1133-2

SYSTEM NAME:

Recruiting Enlisted Selection System

SYSTEM LOCATION:

Primary System - Commander Navy Recruiting Command Decentralized Segments - Navy Recruiting Area Commanders, Navy Recruiting District Headquarters, Navy Recruiting 'A'

Stations, Navy Recruiting Branch Stations, AFEES.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and non-automated form concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Sections 133, 275, 503, 504, 508, 510, 672, 1071 - 1087, 1168, 1169, 1475 - 1480, 1553, 5031; 5 USC 301 Departmental Regulations.

PURPOSE(S):

To provide recruiters with information concerning personal history, education, professional qualifications, mental aptitude, and other individualized items which may influence the decision to select/non-select an individual for enlistment in the U.S. Navy. To provide historical data for comparison of current applicants with those selected in the past.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

To officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of subject

SAFEGUARDS:

Records are accessible only to authorized Navy recruiting personnel within and are handled with security procedures appropriate for documents marked 'For Official Use Only'

RETENTION AND DISPOSAL:

Records are normally maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander Naval Recruiting Command (Attn: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203; or, Chief of Naval Reserve (Code 111C), New Orleans, Louisiana, 70146, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. Letter should contain full name, address, social security account number and signature.

The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203. Proof of identification will consist of picture-bearing or other official identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Navy Recruiting personnel and Administrative Staff; Medical Personnel conducting physical examinations and/or Private Physicians providing consultations or patient history; Character and Employer references; Educational institutions, Staff and Faculty members; Selective Service Commission; Local, State, and Federal

Law enforcement agencies; prior or current military service records; Members of Congress.

Other officials and employees of the Department of the Navy, Department of Defense and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (5), (6), and (7) as applicable. For additional information contact the System Manager.

N01136-1

SYSTEM NAME:

Navy Recruiting Support System

SYSTEM LOCATION:

Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

Decentralized Segments-Navy Recruiting Areas; Navy Recruiting Districts; Navy Recruiting 'A' Stations; Navy Recruiting Branch Stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who have taken the Armed Forces Vocational Aptitude Battery; Naval Reserve officers nominated by District Commanding Officers for a collateral duty assignment as Recruiting District Assistance Council Chairmen (RDAC); Enlisted Personnel selected by local Navy Recruiter for participation in local Navy Recruiting effort; Community leaders and individuals who provide assistance to Navy Recruiters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; Address; Pertinent family information; Pertinent military information; Professional and education affiliations and experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Sections 133, 503, 504, 508, 510, 5031; 5 USC 301 Departmental Regulations; 44 USC Sections 3101, 3702.

PURPOSE(S):

To provide field recruiters with various vehicles of recruiting support; to familiarize Navy Recruiters with community leaders; to provide a thorough interface between the Navy and the community; to promote the Navy among the members of the civilian community; to provide educators with a measure of the vocational aptitude of

their students through administration of the Armed Services Vocational Aptitude Battery; to cultivate community awareness; to assign inactive Reserve officers to recruiting support functions as Recruiting District Assistance Council Chairmen; to facilitate liaison with various business, social and education cultures in the community; to obtain media support for the Navy Recruiting Command; to assist the local recruiter in any way the recruiter feels necessary; and to generate prospective applicants for the U.S. Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets and magnetic tape

RETRIEVABILITY:

Information can be accessed by name and social security number

SAFEGUARDS:

Lists and files are handled with discretion and accessible only to those personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained for the tenure of the individual involved or in the case of high school Armed Services Vocational Aptitude Battery lists for a maximum two-year period or until information is no longer useful for recruiting support.

Magnetic tapes are demagnetized; other manual files are shredded or burned when discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Recruiting Support Department, Navy Recruiting Command,

4015 Wilson Boulevard, Arlington, Virginia 22203 Telephone: 202/692-4795

Requester is required to supply full name, rank/rate (if applicable), address and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Subject of the information; Field Recruiters; Area Commanders/ District Commanding Officers; Chief of Naval Personnel; Chief of Naval Reserve; District Commandants; Chief of Naval Education and Training; Vocational Testing Group; Recruit Training Commands; Service Schools Commands and other officials and employees in the Department of the Navy and other components of the Department of Defense in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01211-1

SYSTEM NAME:

Naval Research Reserve Program Personnel Accounting System

SYSTEM LOCATION:

Office of Naval Research 800 North Quincy st. Arlington, VA 22217

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research reserve personnel, officer and enlisted

CATEGORIES OF RECORDS IN THE SYSTEM:

Military identification information, including Naval Officer Billet Codes, plus professional qualifications information, including education and occupation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

To effectively manage the Office of Naval Research headquarters reserve unit. These records are used to maintain the unit's mobilization readiness. The

system is used to prepare fitness reports, recall rosters, training reports and any other management function required to sustain the reserve unit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, printouts, printed forms (NAVSO 1080/2 and 1080/2A)

RETRIEVABILITY:

Name, rank, designator, NOEC's, education, major subject, First Navy qualification, first job function, reserve unit affiliation

SAFEGUARDS:

Records kept in controlled access building, controlled computer spaces, file cabinets in limited access offices

RETENTION AND DISPOSAL:

Physically destroyed annually when new questionnaire forms are received

SYSTEM MANAGER(S) AND ADDRESS:

Research Reserve Coordinator, Code 723 Office of Naval Research Arlington, VA 22217

NOTIFICATION PROCEDURE:

Write to SYSMANAGER, giving full name, rank, SSN. Visit Office at above address, showing Naval Research ID Card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Qualifications Questionnaire Naval Reserve Research Program, NAVSO form 1080/2

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01301-1

SYSTEM NAME:

Office of the Judge Advocate General, Reporting Questionnaire

SYSTEM LOCATION:

Office of the Judge Advocate General, (Code 61), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers reporting for duty in the Office of the Judge Advocate General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, SSN, designator, rank, date of rank, branch of service, place and date of birth, dependents, wife's name, height, weight, eye and hair color, home address and telephone number, date reported, date detached, previous duty station and mode of travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

PURPOSE(S):

To assist the Judge Advocate General in assignment of officers within the Office of the Judge Advocate General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records kept in a folder alphabetically, stored in a file cabinet.

RETRIEVABILITY:

By officer's name.

SAFEGUARDS:

Records are maintained in a file cabinet under the control of authorized personnel during working hours; and the office space in which the cabinet is located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are destroyed when the officer is transferred from the Office of the Judge Advocate General.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Written requests must be signed by the requesting individual.

For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information submitted by the officer upon his reporting for duty in the Office of the Judge Advocate General.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01301-2

SYSTEM NAME:

Naval Officer Development and Distribution Support System

SYSTEM LOCATION:

Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Naval officers on active duty; all Naval Reserve officers requesting recall to active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and personnel records in both automated and non-automated form concerning classification, qualifications, assignment, placement, career development, education, training, recall, release from active duty and management of Naval officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations
10 USC 5504 Lineal List
10 USC 5708 Promotion Selection List

PURPOSE(S):

To assist Navy officials and employees in the classification, qualification determinations, assignment, placement, career development, education, training, recall and release of officer personnel pursuant to meet manpower allocations and requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management and administration of Navy enlisted personnel in order to meet manpower allocations and requirements.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name or social security account number.

SAFEGUARDS:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are generally maintained until superseded, or for a period of two years or until release from active duty and disposed of by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator) Navy Department, Washington, D.C. 20370. The letter should contain full name,

rank, social security account number, designator, address and signature.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB #2) Rm. 1066, Washington, D.C. for assistance. Advance notification is requested for personal visits. Proof of identification will consist of military identification card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Personnel Service jackets; records of the officer promotion system; officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current instructions and regulations promulgated by competent authority; education institutions; official records of professional qualifications; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01306-1

SYSTEM NAME:

Enlisted Development and Distribution Support System

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Navy Department, Washington, D.C. 20370 Secondary System-Enlisted Personnel Management Center, New Orleans, Louisiana 70159 and Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70149

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy enlisted personnel: active, inactive, reserve, fleet reserve, and retired.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, advancement, performance, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, and

administration of Navy military personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To assist Navy officials and employees in the initiation, development, implementation of policies pertaining to enlisted personnel assignment, placement, retention, career enhancement, and motivation, and other career related matters, in order to meet manpower allocations and requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management and administration of Navy enlisted personnel in order to meet manpower allocations and requirements.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records may be stored on magnetic tapes, disc, drums, and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number and/or name.

Manual records may be retrieved by name, social security account number, or enlisted service number.

SAFEGUARDS:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to

authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

The Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, for Training and Administration of Reserve personnel only, to Commanding Officer, (Attn: Privacy Act Coordinator) Naval Reserve Personnel Center, Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70149. The letter should contain full name, social security account number (and/or enlisted service number), rate, military status, and signature of the requestor. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB 2), Rm. 1066, Washington, D.C. for assistance with records located in that building; or Training and Administration of Reserve personnel may visit the Commanding Officer (Privacy Act Coordinator), Naval Support Activity (East Bank), Bldg. 603, New Orleans, Louisiana 70149. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status; Educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO1420-1

SYSTEM NAME:

Officer Promotion System

SYSTEM LOCATION:

Naval Military Personnel Command, Navy Department, Washington D.C. 20370; and Reporting Seniors (see Directory of the Department of the Navy Mailing Addresses); Federal Records Storage Centers; National Archives.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers on active duty; all reserve officers on inactive duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Fitness Report Jacket, Selection Board Jacket, Officer Summary Record, Promotion History Cards, and other records concerning fitness and qualifications of officers and related to promotion requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations
10 USC 543 Selection Boards
10 USC 33, 545, 549 Promotions

PURPOSE(S):

To assist officials and employees of the Department of the Navy relating to the promotion of naval officers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the Navy's Officer Promotion System and the records contained therein.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tape, discs or on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number. Manual records may be retrieved by social security account number and/or officer file number, and name.

SAFEGUARDS:

Computer and punched card processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or to Reporting Seniors (see Directory of the Department of the Navy Mailing Addresses). The letter should contain full name, social security account number, (or officer file number), rank, military status, address and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, (FOB 2), Rm. 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the Reporting Senior for records maintained by that individual. Proof of identification will consist of Military Identification Card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, other Departments and Agencies of the Executive Branch of the Government, and components thereof, in the performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state and local court documents; general correspondence concerning the individual; official records of professional qualifications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (5), (6), and (7) as applicable. For additional information contact the System Manager.

NO1500-1

SYSTEM NAME:

Naval Educational Development Records.

SYSTEM LOCATION:

Chief of Naval Education and Training
Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applications, participants, graduates and staff of officer acquisition, professional development, Navy Youth, dependents' education (Atlantic), and Non-Traditional Education Support programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, biographical information, student records and reports of performance, graduation, and disenrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

Used by Naval Educational Development staff members, selection boards, Naval Military Personnel Command, and Navy media for selection, student monitoring, and utilization of graduates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders and punched cards.

RETRIEVABILITY:

Name and SSN

SAFEGUARDS:

Locked buildings and access only to authorized personnel.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual

SYSTEM MANAGER(S) AND ADDRESS:

Director of Naval Educational Development (See location section)

NOTIFICATION PROCEDURE:

By individual request upon presentation of letter of identification. Must provide program and name.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual applications, selection board proceedings, transcripts, and correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO1500-2

SYSTEM NAME:

NAVSCOLS/TIS, USMC Training Supsys

SYSTEM LOCATION:

Schools and other training activities or similar organizational elements of the Department of the Navy and Marine Corps as listed in the directory of Department of Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of the Naval Education and Training Command, including the Navy Campus

for Achievement and other training programs; tutorial and tutorial volunteer programs; dependents' schooling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., social security number, name, sex, date of birth, personnel records i.e., rank/rate/grade, branch of service, billet, expiration of active obligated service, professional records i.e., Navy enlisted classification, military occupational specialty for Marines, subspecialty codes, test scores, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories. Academic/training records, manual and mechanized, and other records of educational and professional accomplishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5031

PURPOSE(S):

To determine course and training demands, requirements, and achievements; analyze student groups or courses; provide academic and performance evaluation in response to official inquiries; guidance and counseling of students; preparation of required reports, and for other training administration and planning purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Education as required.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in microform or in file folders, card files, file drawers, cabinets, or other filing equipment. Automated records may be stored on magnetic tape, discs, punched cards, etc.

RETRIEVABILITY:

Social security number and name

SAFEGUARDS:

Access is provided on a 'need-to-know' basis and to authorized personnel only. Records are maintained in controlled access rooms or areas. Data is limited to personnel training associated information. Computer terminal access is controlled by terminal identification and the password or similar system. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Output is controlled by the functional managers who also control the distribution of output.

RETENTION AND DISPOSAL:

Records disposal manual.

SYSTEM MANAGER(S) AND ADDRESS:

The commanding officer of the activity in question. See the directory of Navy and Marine Corps activities mailing addresses.

NOTIFICATION PROCEDURE:

Apply to system manager. Requestor should provide his full name, social security number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, schools and educational institutions, Commander, Naval Military Personnel Command, staff of Naval Education and Training Command and other activities and the Commandant of the Marine corps; instructor personnel; and Commander, Naval Recruiting Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01500-3

SYSTEM NAME:

Students awaiting legal, medical action account

SYSTEM LOCATION:

Naval Air Technical Training Center, Lakehurst, New Jersey 08733

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. The student locator card file contains specific data on all student personnel assigned to NATTC, whether or not they successfully completed training. A dead file is maintained after the student is transferred.

B. The 'others' file is a list of all students on board that are not enrolled in class. Categories include: disciplinary, medical, and administrative (awaiting orders, port calls, passports, humanitarian requests, administrative discharge).

CATEGORIES OF RECORDS IN THE SYSTEM:

A. The student locator card file is composed of 4' x 6' cards on which the following is recorded: name, previous command, rate, branch of service, date of transfer, new duty station and command, estimated date of arrival, standard transfer order number, and rate upon departure.

B. The following information is included on students listed in the 'others' file: date of hold, type of hold, estimated period of hold, work assignment, parent command notification, date re-enrolled, availability submission (used to notify Chief of Naval Personnel of member's availability for transfer), date orders or discharge authorization received, date transferred, and remarks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

To verify date of departure; to determine, in conjunction with the next duty station, if member is in an unauthorized absentee; to verify attendance and/or completion of training; to answer requests by parents who do not know the school or class individual is attending; to forward official correspondence; to maintain accountability of all students not enrolled in class to ensure the appropriate administrative actions are completed in a timely manner ensuring minimum delay in the training pipeline.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

- A. Index card drawer
- B. File folders

RETRIEVABILITY:

- A. Name
- B. Name, rate, social security number

SAFEGUARDS:

- A. Locked room
- B. Maintained in locked room-accessibility is limited to the student control office personnel, personnel officer, administrative officer, legal officer, executive officer, and commanding officer.

RETENTION AND DISPOSAL:

- A. Two years
- B. Two years

SYSTEM MANAGER(S) AND ADDRESS:

- A. Personnel office supervisor
- B. Personnel office supervisor

NOTIFICATION PROCEDURE:

- A. The file is available to members upon proper identification.
- B. The file does not contain information beneficial to the individual; however, with proper identification any student can review the form pertaining to himself. This may be accomplished by presentation of Military I.D. card to a responsible petty officer in the student control office.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

- A. Official documents such as orders, assignment directives, and service records.
- B. Sources of information are: NATTC schools, medical authorities, legal officer, transfer section of personnel office, drug exemption officer, NATTC duty office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01500-4

SYSTEM NAME:

DODCI Student Record System

SYSTEM LOCATION:

Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students who have completed a course of instruction presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized card file of students who have attended DODCI courses. Record consists of name, military rank or rate, civilian grade, branch of service, DOD agency or activity and title of course attended. Also associated file of consolidated listing of students for each course offering arranged by DOD agency or activity and name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

Maintained by DODCI registrar to respond to individuals requesting official verification of attendance to a specific course; to respond to students, agency or activity requesting official record of training completed. Used to compile statistical data of student throughput, e.g., attendance by course, attendance by branch of service, agency or activity. Statistical data is not compiled by name.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Alphabetic card file and file folders in file cabinet.

RETRIEVABILITY:

Name and course title.

SAFEGUARDS:

Maintained in administrative office which is locked after normal working hours, accessible only to authorized office staff and director or delegate on demand.

RETENTION AND DISPOSAL:

Individual cards by student name and consolidated listing of students are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

By individual request upon presentation of letter or identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Enrollment and registration request for DOD management education and training program courses (DD Form 1556), and course listing of students review by course manager and individual students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01500-5

SYSTEM NAME:

DODCI Student/Faculty/Senior Staff Biography System

SYSTEM LOCATION:

Department of the Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All faculty members, senior staff members, and guest lecturers currently instructing or managing at the DODCI. All students who are attending or who have completed a course of instructions presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local governments agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic summary forms individually submitted upon request by each DODCI faculty member, senior staff member, guest lecturer, or student. Students record consists of name, rank or rate, civilian grade, organization and division, office phone number, current and previous job titles and positions, number of months with present job title, major duties of present job, formal education completed, objectives for attending DODCI course, computer-related and other technical training and experience, information on usage of computers in present position, influence and authority student has over design of computer-based systems including security and privacy aspects, extent involved in planning and design of teleprocessing systems. Faculty/senior staff record consists of name, rank or rate, current and previous job titles and positions, former major duties, formal education completed, computer-related and other technical training experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

PURPOSE(S):

The student biographical summaries are used by course managers and functional department heads to evaluate education level, computer related work experience, and general computer background of DODCI students. Establishes student qualifications to attend a requested course and if course objectives have satisfied personal objectives of students attending course. Statistical summarization of information contained in the system provides basis for modification and revision to course content. Serves as vehicle to place student into appropriate laboratory and

seminar group in courses requiring such a breakout.

Information on faculty/senior staff members contained in the biographical summaries is provided to students as an attachment to their student notebooks. Records are used to identify faculty and senior staff members, areas of data processing and information management expertise for consultation purposes and as an expertise preamble to the next scheduled lecturer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in file cabinet.

RETRIEVABILITY:

By name for faculty/senior staff members. Course title and name for students.

SAFEGUARDS:

Maintained in scheduling office (for students) and in the reproduction shop (for faculty/members) which is locked after normal working hours, access controlled by system manager and accessible only to authorized faculty members, director of administration, and director or delegate on demand.

RETENTION AND DISPOSAL:

All completed individual student biographical summaries attending a specific course are retained in a file folder marked by course title and course date. Individual student biographical summaries are retained by course for two fiscal years preceeding the fiscal year in progress. All individual faculty and senior staff biographical summaries are retained in a master file folder until no longer providing services to DODCI. Master file is review periodically to maintain currency. Students receiving a course notebook can retain the included biographical records as well as the notebook.

SYSTEM MANAGER(S) AND ADDRESS:

Scheduling Officer, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

Students by individual request upon presentation of letter of identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Student biography forms are of DODCI origin and completed by each individual student. Forms are completed either the first day of the course or, in the case of certain specific courses, are mailed to the prospective student requesting return prior to commencement of the course.

Biographies are authorized by each faculty and senior staff member soon after arrival at DODCI. Guest lecturers are requested to voluntarily submit biographies for use in course notebooks. Contents is never changed, but in some cases selectively reduced in length so as not to exceed one page. Format and content are generated solely by DODCI member and are subjected only to editorial review.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01500-6

SYSTEM NAME:

DODCI Course Evaluation System

SYSTEM LOCATION:

Department of Defense Computer Institute, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students who have completed a course of instruction presented by the Department of Defense Computer Institute: primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual student evaluation of entire course and random sampling of specific lecture presentations. Includes objectives for attending course; statement concerning realization of

personal objectives, numerical or qualitative rating of overall course, lab sessions and/or specific lectures; list of strengths and weaknesses of course; list of lecture subjects of particular benefit or of little use to student; list of lecture subjects which should be expanded or reduced in coverage; and list of topics not covered in course but should be included. Comments concerning course content, sequence, lecture presentation, teaching techniques, audio visual aids, physical facilities and administrative support are solicited and recorded. Categories are posed as questions with ample space to encourage written response of student opinion in a structured but non-restrictive format. These Course Evaluation Forms also contain hard core factual information, i.e., course title, course dates, student name, rank/rate/grade, branch of service, duty station or agency, and present job title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301.

PURPOSE(S):

The system is used to evaluate course, lecture, teaching techniques and individual instructor effectiveness. It provides basis for modification and revision to course content and sequence and lecture content. It provides input to long-range plan for course update, additions and revisions. Student evaluation of all attendees to a particular course are reviewed as a composite group by DODCI faculty members to determine problem areas, trends, and provides a continuous evaluation of course effectiveness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in file cabinet.

RETRIEVABILITY:

Course Title and Student Name.

SAFEGUARDS:

Maintained in Scheduling Office which is locked after normal working hours, access controlled by Systems Manager and accessible only to authorized faculty members. Director of

Administration, and Director or delegate on demand.

RETENTION AND DISPOSAL:

All completed individual evaluations of students attending a specific course are retained in a file folder marked by Course Title and Course Date. Individual student evaluation forms are retained by course for two fiscal years preceeding the fiscal year in progress.

SYSTEM MANAGER(S) AND ADDRESS:

Scheduling Officer, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

By individual request upon presentation of letter or identification. Must provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Student Course Evaluation Forms are of DODCI origin and distributed in class and completed by each individual student.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NO1500-7

SYSTEM NAME:

DODCI Lecture-Instructor Inventory System.

SYSTEM LOCATION:

Department of Defense Computer Institute, Building 175, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current DODCI instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Two disk files comprise the system of records. First master file contains instructor's name, functional group assignment code, projected date of departure; list of lectures instructor gives. Second master file contains lecture I.D., title, lecture primary, instructors giving the lecture. In addition to the items on disk, a manual file is maintained which is a record summary

form containing the names of DODCI instructors and the number of lectures and/or laboratory hours they present in resident or on-site classes each quarter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031

PURPOSE(S):

The system provides the ability for functional managers to generate a list of instructors along with the associated lectures in which they are proficient or to specify a lecture title and determine which instructors are capable of presentation. This system provides assistance in assigning instructors to course schedules, teams for on-site course presentations, determining lectures which are critical in flexibility of assignment, planning instructor assignments on the order of lecture priority. The Records Summary Form is used to evaluate the instructor's workloads and to assist in preparing the performance evaluation reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on magnetic disks in a computer data base. The Record Summary Form is maintained in paper copy in file cabinets.

RETRIEVABILITY:

Instructor's last name, lecture ID number, or functional group code.

SAFEGUARDS:

This system of records is maintained on magnetic disks in the computer operations center which is kept locked. Only the manager and assistant manager of the Computer Support office have access to the center during normal working hours and the security watch has access after hours. The mode of access to the computer-based system is via remote terminal and special passwords are required. Appropriate data base language commands (available only to authorized DODCI staff members) must be invoked to gain access to information in the system. Portions of the system can only be accessed by functional managers via controlled key work commands. An accounting log is maintained of all

accesses to the system which contains identification of the user, log-on and off, station number, and date/time of last access.

RETENTION AND DISPOSAL:

The system data base is retained indefinitely. Revisions are in continuous process, e.g., instructors' names being added upon arrival and deleted on departure, lecture titles added or deleted as they are developed or discontinued, lecture presentation capability expanded or deleted as appropriate. The Record Summary Form is retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Computer Support Office, DOD Computer Institute, Building 175, Washington, D.C. 20374 for records maintained on magnetic disks. The Scheduling/Reproduction Officer, for the Record Summary Form.

NOTIFICATION PROCEDURE:

DODCI faculty members are informed of existence and purpose of system. Individual instructors can request printout of information in system which pertains to them.

RECORD ACCESS PROCEDURES:

The Institutes rules for access to records may be obtained from the Systems Manager.

CONTESTING RECORD PROCEDURES:

The Institute's rules for contesting contents and appealing initial determinations by the individual concerned can be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

DODCI functional managers maintain system and periodically revise data base by entering new data and deleting discontinued information. Additionally, the Systems Manager can enter information affecting printout format and contents. The information contained in the Instruction Hour Records forms are extracted from teaching schedules prepared on each course of instruction.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NO1500-8

SYSTEM NAME:

Personnel and Training Evaluation Program Automated System.

SYSTEM LOCATION:

Strategic Systems Programs Office, Navy Department, Washington, DC 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted technicians who have been trained to operate and maintain the Strategic Weapon System on Fleet Ballistic Missile Submarines. These individuals are identified by a Navy Enlisted Classification Code in the series 3301-3349.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, social security number, NEC codes, current duty station and projected rotation date, duty station assignment history, Armed Services Vocational Aptitude Battery or Basic Test Battery scores, completion data for Navy schools, civilian education, promotion history (present and past rate), enlistment data (dates of service entry and expiration of enlistment/extension), patrol experience and scores on the Personnel and Training Evaluation Program examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To maintain a data base which will permit the Strategic Systems Programs Office to record achievement scores of enlisted members who operate and maintain the Strategic Weapon System on Fleet Ballistic Missile Submarines. This information will be used to assess the adequacy of traininreceived and the need for additional training.

Internal Navy users: Director, Strategic Systems Programs, Chief of Naval Technical Training and asschools, Type Commanders and assigned units in the performance of their duties relating to training on the Strategic Weapon System. Commander, Naval Military Personnel Command and Type Commanders and assigned units in the performance of their duties related to personnel assignment. Navy Personnel Research and Development Center who may, from time to time, validate service selection criteria for the DOD. It may be provided to such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's Compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records are stored on computer media, disks or magnetic tape. Hard copy reports are distributed to authorized user activities. These reports are stored in notebooks or file folders in drawers, cabinets or other filing equipment.

RETRIEVABILITY:

SSN, name and duty station.

SAFEGUARDS:

Access is provided to authorized personnel only on a 'need-to-know' basis. Records are maintained in controlled access rooms or areas. Computer terminal access is controlled by terminal identification and password. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring is the responsibility of the systems manager.

RETENTION AND DISPOSAL:

Records are retained for five years after an individual leaves the Fleet Ballistic Missile program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Training Systems Branch, Strategic Systems Programs, Navy Department, Washington, DC 20376

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requester should provide his/her full name, social security number and military duty status. Visitors should present military identification card, civilian drivers license or other similar identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Individuals, their supervisors, Naval Military Personnel Command, schools assigned to the Chief of Naval Technical Training.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01513-1

SYSTEM NAME:

Navy Recruiting Command Attrition Tracking System

SYSTEM LOCATION:

Primary System - Recruiting Data Systems, Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy Enlisted Personnel who attrite during Basic Recruit Training

CATEGORIES OF RECORDS IN THE SYSTEM:

File consists of records and correspondence pertaining to individuals discharged at Navy Recruit Training Centers. Records include personal and service information, education, physical and mental qualifications and circumstances surrounding discharge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Sections 133, 275, 503, 504, 508, 510, 5031; 5 USC 301 Departmental Regulations.

PURPOSE(S):

To accumulate records and correspondence pertaining to individuals discharged at Navy Recruiting Training Centers. To provide attrition information to Navy Recruiting Command Headquarters for application against recruiter point averages under the Freeman Plan. To provide a historical record of reasons for attrition for use in determining new enlistment eligibility parameters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment or reenlistment eligibility and related benefits.

To officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their duties related to management of quality military recruitment.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual Records stored in file cabinets in a secure government building. Automated records are maintained on magnetic tape.

RETRIEVABILITY:

Info can be retrieved by Social Security Account Number, Navy Recruiting Area or District Recruit Training Center, Age, Education, Discharge Reason or Date of Discharge.

SAFEGUARDS:

Only authorized routine users are permitted access to the records. The Headquarters building in which the records are located has a 24-hour guard which prevents unauthorized access to the building.

RETENTION AND DISPOSAL:

Records are maintained at Headquarters, Navy Recruiting Command for five years, and then destroyed. Records at Area and District Headquarters are retained for one year before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Data Systems, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203 Telephone: 202-692-4089

Written requests for information should contain the full name, social security account number and location where individual was recruited, and signature.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The Agency's for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Discharge Sections at Navy Recruit Training Commands Other officials and employees of the Department of the Navy, Department of Defense and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO1531-1

SYSTEM NAME:

U.S. Naval Academy Midshipmen Performance Records.

SYSTEM LOCATION:

U.S. Naval Academy, Bancroft Hall, Annapolis, Maryland 21402.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Academy Midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance jackets contain midshipmen records relative to all facets of performance. Specifically, the jackets include: Performance aptitude evaluations, performance grades, personal history, autobiography, record of emergency data, aptitude history, review board records, medical excuse from duty forms, conduct records and grades, counseling and guidance interview sheets, academic grades, letters of commendation, and training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 6962 and 10 U.S.C. 7088.

PURPOSE(S):

To maintain information on midshipmen in regard to their aptitude for military service, conduct, and academic standing in order to have a composite record used for management, supervision, administration, counseling and disciplining. The midshipmen performance jacket is an official file of material compiled on each individual while attending the Naval Academy and is not a part of a graduated midshipmen's permanent service record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the parents and guardians of midshipmen in connection with the counseling of midshipmen who encounter academic, performance, or disciplinary difficulties.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

All records are kept in file folders in locked cabinets.

RETRIEVABILITY:

Records are kept alphabetically by Company and Class.

SAFEGUARDS:

Visitor control and files are kept in locked cabinets.

RETENTION AND DISPOSAL:

Performance records are kept by the Company Officer until graduation or separation from the Academy. The records are then retained in the Performance Office storage area until they are destroyed two years after the midshipman's class graduates.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Naval Academy, Annapolis, Maryland 21402 and the Performance Officer, Office of the Commandant, U.S. Naval Academy, Annapolis, Maryland 21402.

NOTIFICATION PROCEDURE:

Written request may be made to the system manager.

RECORD ACCESS PROCEDURES:

Rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual midshipman, supervisors, midshipman personal history/ performance record, midshipman autobiography, Record of Emergency Data (NAVPERS 601-2), Statement of Personal History (DD-398), Aptitude History Record (Form 1610-105), Midshipmen Summary Sheets, Military Performance Board Results, Letters of Probation, Midshipmen Performance Evaluation Reports (Form 54A), Medical Reports, Clinical Psychologist Reports, Excused Squad Chits (Form 6320/20), Conduct Card (Form 1690/91C), Letters of Commendation, Counseling and Guidance Interview Records (Form 1230/98), Letters from Congressmen, parents, etc., and copies of replies thereto, and Record of Disclosure (Privacy Act).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NO1533-1

SYSTEM NAME:

NROTC Educational Development Records

SYSTEM LOCATION:

Chief of Naval Education and Training
Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NROTC Scholarship Candidate
Placement Records, NROTC Student
Attrition Records, NROTC Student
Jackets, Applications for NROTC
Program, Commanding Officers and
Executive Officers of NROTC units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning students
selected as principal and alternate
candidates for NROTC scholarship.
Contains name, SSN, address, telephone
number, academic scores, medical
qualification, race, and sex.

Reports of disenrollment, appointment
to commissioned status, and non-
selection as an applicant for the NROTC
program.

Student records containing enlistment
contract, service agreement, officer
candidate training application, evidence
of citizenship, birth certificate, reports of
medical qualification, aptitude for naval
service evaluations, academic records,
personal history information, report of
security clearances granted, special
request, and action of boards concerning
these special request.

Application file consisting of officer
candidate training request, service
agreement, report of medical
qualification, evidence of citizenship,
personal history, interviewers' appraisal
sheets, and academic records.

Officer Biography Sheet (NAVPERS
979)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

To assign scholarship selectees to
various NROTC hosted institutions.
Provides reference to individuals' attrition
from the NROTC program.
Provides program managers with
information to determine students
eligibility for continuation in program
and eventual commissioning as a naval
officer. To determine applicant's
eligibility for enrollment in NROTC
program. Information in the system can
be used in preparing Fitness Reports,
award recommendations, TAD
assignments in conjunction with summer
training and preparing background
information for Flag and high
government official visits to the NROTC
unit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear
at the beginning of the Department of
the Navy's compilation apply to this
system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, index cards, and
notebook

RETRIEVABILITY:

Name, SSN, and NROTC unit.

SAFEGUARDS:

Secured room and building. Access to
information to authorized personnel
only.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal
Manual.

SYSTEM MANAGER(S) AND ADDRESS:

NROTC, CNET, NAS, Pensacola, FL.

NOTIFICATION PROCEDURE:

Call or write system manager listed
above.

RECORD ACCESS PROCEDURES:

The agency's rules for access to
records may be obtained from the
system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting
contents and appealing initial
determinations by the individual
concerned may be obtained from the
system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, CHNAVPERS,
COMNAVCRUITCOM, and NROTC
unit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO1572-1

SYSTEM NAME:

Reservists reporting for active duty for
training, background questionnaires

SYSTEM LOCATION:

Office of the Judge Advocate General
(Code 62), Department of the Navy, 200
Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers reporting for duty in the
Office of the Judge Advocate General

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, designator, rank, unit to which
attached, law school attended, year
admitted to practice and State or
Territory where admitted, and
employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 806

PURPOSE(S):

Information provided by this
questionnaire will routinely be used in
the preparation of a memorandum to the
Judge Advocate General and/or Deputy
Judge Advocate General on each officer
who reports for active duty for training.
The memorandum permits the JAG and/
or Deputy JAG to familiarize himself
with the officer's background. It also
assists the Reserve Personnel Division
to make an informed assignment of the
officer during his/her training period
which will enable the officer and the
JAG and/or Deputy JAG to obtain
maximum benefit from the officer's
training period.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear
at the beginning of the Department of
the Navy's compilation apply to this
system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, stored in a file cabinet.

RETRIEVABILITY:

By officer's name.

SAFEGUARDS:

Files are maintained in file cabinets
under the control of authorized
personnel during working hours; the
office space in which the cabinets are
located is locked outside of official
working hours.

RETENTION AND DISPOSAL:

Records are retained for two months
and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General
(Civil Law), Office of the Judge
Advocate General, Department of the
Navy, 200 Stovall St., Alexandria, Va.
22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the
system manager. Written requests must
be signed by the requesting individual.

For personal visits, the individual should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01610-1

SYSTEM NAME:

Navy Personnel Evaluation System

SYSTEM LOCATION:

Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the U.S. Navy including Regular, Reserve, Active Duty, Inactive Duty, Fleet Reserve and Retired.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and investigatory material containing information pertinent to member's retention, assignment or separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301. Departmental Regulations.

PURPOSE(S):

To assist in personnel administration of Navy members, including but not limited to retention, assignment, and separation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Director, Veterans Administration, and Director, Selective Service Administration and their officials and employees in connection with notification and assistance in obtaining benefits by members and former members. To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the

performance of their official duties related to personnel administration. To state and local government agencies in the performance of their official duties related to personnel administration. When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary. The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and index cards. Some information from the paper records is automated.

RETRIEVABILITY:

Filed alphabetically by last name or by Social Security Account Number.

SAFEGUARDS:

Stored in locked safes and cabinets in buildings that employ security guards. File areas are accessible only to authorized persons who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained as long as member has any affiliation with the Naval service and for five years thereafter and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370. The letter should contain full name, social security account number, rank/rate/civilian status, address and notarized signature of the requestor. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, Washington, D.C. (FOB2) Rm. 1066, for assistance with records located in that building. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Civilian and military investigative reports; reports of federal and state civilian court actions and criminal proceedings; general correspondence concerning and individual; officials and employees of the Department of the Navy, Department of Defense and Components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (2), (5), and (7) as applicable. For additional information contact the System Manager.

N01640-1

SYSTEM NAME:

Individual Correctional Records

SYSTEM LOCATION:

United States Navy Brigs and United States Marine Corps Correctional Facilities. Official mailing addresses are in the Department of Defense Directory; and/or may be obtained from Naval Military Personnel Command, Washington, D.C. 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined in a naval facility as a result of or pending trial by courts-martial; any member sentenced to three days bread and water or diminished rations; and any military member awarded correctional custody to be served in a correctional custody unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents related to the administration of individual prisoners in the Department of the Navy confinement and correctional custody facilities - courts martial orders; release orders; confinement orders; medical examiners' reports; requests and receipts for health and comfort supplies; reports and recommendations relative to disciplinary actions; clothing and equipment records; mail and visiting

lists and records; personal history records; individual prisoner utilization records; requests for interview; initial interview; spot reports; prisoner identification records; parolee agreements; inspection record of prisoner in segregation; personal funds records; valuables and property record; daily report of prisoners received and released; admission classification summary; social history; clemency recommendations and actions; parole recommendations and actions; restoration recommendations and actions; psychiatric, psychological, and sociological reports; certificate of parole; certificate of release from parole; requests to transfer prisoners; disciplinary action data cards showing name, grade, SSN, sex, education, sentence, offense(s), sentence computation, organization, ethnic group, discharge awarded, length of unauthorized absence, number and type of prior punishments, length of service, and type release; weekly status report (each member's legal status, offense charged, length of time confined). On tape, the same data as the disciplinary action data card, except name, computation of sentence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 951

PURPOSE(S):

Commanding officers, officers-in-charge, and chief petty officers-in-charge of Navy brigs and Marine Corps correctional facilities and staff members use these records to determine initial custody classification; to determine when custody grade change is appropriate; to gauge member's adjustment to confinement or correctional custody; to identify areas of particular concern to prisoners and personnel in correctional custody; to determine work assignment; to determine educational needs; serves as the basis for correctional treatment; serves as a basis for recommendations for clemency, restoration, and parole.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Justice and state and local criminal justice agencies established by law.

To law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory order.

To confinement/correctional system agencies for use in the administration of correctional programs to include custody classification; employment,

training and educational assignments; treatment programs; clemency, restoration to duty, and parole actions; verifications concerning military offenders or military criminal records, employment records and social histories.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; on punch cards and computer tapes.

RETRIEVABILITY:

Paper records filed alphabetically by last name of prisoner. Information from computer tapes is retrieved using SSN of the individual.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Computer tape information at NMPC accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Logs and disciplinary action data cards are transferred to National Personnel Records Center, St. Louis, MO 63132 two years after release of prisoner. Other records are held at confinement facilities/correctional custody units for two years and destroyed. Transfer of a prisoner from one naval facility to another is not construed as a release. In such cases, the file accompanies the prisoner.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command (NMPC-84) Washington, D.C., 20370; Commandant of the Marine Corps (Code MPH) Washington, D.C., 20380.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial

determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military personnel records; military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of non-judicial administrative proceedings; United States military commanders; staff members and cadre supply information relative to service member's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 522a (j) (2) as applicable. For additional information, contact the System Manager.

N01710-1

SYSTEM NAME:

Special Membership Listing of the Organizational Recreation Association

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file records the name of all members who join the particular ship or activity recreation association. Also crossfiled by number of membership card.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record lists the names, internal codes, room and telephone numbers of each membership card and dates purchased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To indicate income from sale of membership cards; to provide an audit trail for the auditors; and to confirm memberships, upon request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concern, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01740-1

SYSTEM NAME:

Personal Services and Dependents Services Support System

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Navy Department, Washington, D.C. 20370; Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Room 967, Cleveland, Ohio 44199; local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel: officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, Naval Reserve Officer Training Corps personnel, and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, forms, correspondence and supporting documents and other personnel records concerning entitlements, benefits, basic allowance for quarters, waiver of indebtedness, travel allowances, morale, and personal affairs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301. Departmental Regulations
10 USC 6161
10 USC 2774 as added by Public Law 92-453

PURPOSE(S):

To assist in the management, supervision, and administration of personal services, benefits and entitlements for Navy service members and their dependents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Veterans Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy.

To officials and employees of Navy Relief and American Red Cross in the performance of their duties related to assistance of the members, their dependents and relatives.

To state and local government agencies in the performance of their official duties related to assistance of members and their dependents.

To non-government agencies only to assist members and their dependents.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders.

RETRIEVABILITY:

Records may be retrieved by name, social security account number or enlisted service number/officer file number of member; or name of dependent.

SAFEGUARDS:

Computer and punched cards processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P512.5B, subj: Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, military status, or name of the dependent, name of sponsor, sponsor's social security account number, and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB2), Room 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and the Department of Defense in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; educational institutions; federal, state, and local court documents; general correspondence relative to individual; officials and employees of Navy Relief, the American Red Cross, Veterans Administration and other agencies in the performance of their official duties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01740-2

SYSTEM NAME:

Federal Housing Administration Mortgage Insurance System

SYSTEM LOCATION:

Commanding Officer Navy Finance Center Anthony J. Celebrezze Federal Building Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy members who have home mortgages through FHA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payments made to FHA for insurance payments credited to members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To calculate payments for FHA and to reconcile any discrepancies in accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of the Treasury when address is needed for issuance of a check.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders

RETRIEVABILITY:

Social security number and member's name

SAFEGUARDS:

Guards, personnel screening and requestor codes

RETENTION AND DISPOSAL:

Destroyed one year after death or discharge of member

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to members at above address. Information request must contain Navy member's full name and social security number. Requester may visit above address and must have military identification card or valid state driver's license and social security card as proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

FHA, member, field disbursing officers

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01746-1

SYSTEM NAME:

Nonappropriated Fund Activity Information Support System

SYSTEM LOCATION:

Naval Military Personnel Command, Navy Department, Washington, D. C. 20370; and local nonappropriated Fund Activities under the cognizance of the Commander, Naval Military Personnel Command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals authorized under current regulations to use Commissioned

Officers Messes (open), Chief Petty Officer Messes, Petty Officer First and Second Class Messes, Enlisted Men's Clubs, Consolidated Package Stores, Special Services facilities, and other Non-Appropriated Fund Activities under the cognizance of the Commander, Naval Military Personnel Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, records, membership applications, membership and user listings of Nonappropriated Fund Activity facilities, accounts receivable records, bad check listings, investigatory reports involving abuse of facilities, required for management of Nonappropriated Fund Activities under the cognizance Commander, Naval Military Personnel Command.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To assist in the management, supervision and administration of Nonappropriated Fund Activities such as messes, clubs, package stores and special-services facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Primarily by Name, and/or Social Security Number/Membership Number.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to

authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or Departmental Instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D. C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator), Navy Department, 20370; or to the Head of the local Nonappropriated Fund Activity concerned. The letter should contain full name, social security account number, status, address, and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Washington, D. C. 20370 (Arlington Annex, FOB 42), Rm. 1066 for assistance with records located in that building; or the individual may visit the local activity concerned for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01754-1

SYSTEM NAME:

Navy Family Support Program

SYSTEM LOCATION:

Navy Family Service Centers located at various Naval and Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps service members and their families/dependents. In certain overseas locations civilian Navy and Marine Corps employees may be eligible for services. In certain CONUS locations, civilian Marine Corps employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

File could contain personal information such as name, case number, home address, telephone number, marriage counseling information, parent-child relationship information, family relations, financial data, and developmental disability information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations.

PURPOSE(S):

The Family Service Centers offer information, conduct referral services, and directly deliver services for a wide array of personal and family matters, counseling, assistance and crisis intervention to naval members and/or dependents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Building/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Family Support Program Division (NMPC-66), Human Resources

Management Department, Naval Military Personnel Command, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Written requests may be addressed to the appropriate Naval/Marine Corps activity concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of counseling, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Form submitted by the individual applying for counseling/assistance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N01754-2

SYSTEM NAME:

Navy/USMC Family Service Centers Volunteers

SYSTEM LOCATION:

Navy Family Service Centers (FSCs) located at various Naval and Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who volunteers to assist at one of the Navy/USMC Family Service Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information such as name, home address, home telephone number, date of birth, age and number of children, experience, education, professional qualifications, interests, hobbies, assignments at the FSC, and any other information essential for placing the volunteer in the most appropriate position at the FSC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031

PURPOSE(S):

To supervise the performance of individuals who have volunteered to assist in the Navy and Marine Corps Family Service Center (FSC) Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name or skill of volunteer.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Building/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained for 15 years from the date the individual departs from the Center, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Family Support Program Division (NMPC-66), Human Resource Management Department, Naval Military Personnel Command, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Written requests may be addressed to the Naval or Marine Corps activity concerned. Individuals should provide proof of identity, full name, dates of volunteer service, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained and periodically updated directly from the volunteer FSC employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NO1770-1

SYSTEM NAME:

Decedent Affairs Records System

SYSTEM LOCATION:

Commander, Naval Medical Command, 23rd and E Sts., N.W.,

Washington, D.C. 20372; Office of Medical Affairs Geographic Commands and Commanding Officers, Naval Medical Treatment Facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Deceased individuals for whom the Department of the Navy is responsible

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports concerning casualty, status, transportation of remains, requests for special escorts and our responses, disposition instructions, acknowledgements to next of kin; pertinent data, medals and awards, preparation and identification of remains reports, escort orders and debriefing forms, death certificates, some autopsy reports, DD Forms 1300 (Reports of Casualty); correspondence pertaining thereto; and adjudication copies and paid vouchers and statistical data excerpted from decedent affairs files

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, US Code 103a and b; Title 10, Sections 1481-1488, US Code; Executive Orders 8557, 30 Sep 40 and 10209 of 1 Feb 51; 44 US Code 3101

PURPOSE(S):

To facilitate and monitor return of remains and associated benefits; to verify eligibility of beneficiaries for benefits; to assist officials in the identification, care and return of decedent's remains, and the notification of the next of kin of the cause of death, and payment of allowances thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

CATEGORIES OF USERS

Department of Navy and families of decedents

SPECIFIC USES

Verification of eligibility for benefits; provision of information to families of decedents concerning identification, care and return of remains, causes of death and payment of allowances

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders Statistical data on magnetic tape

RETRIEVABILITY:

Filed alphabetically according to name of decedent by fiscal year of date of death -- Name, social security (or serial) number, date of death

SAFEGUARDS:

Locked building and guard during non-duty hours; personnel screening during duty hours

RETENTION AND DISPOSAL:

Permanent - Records are accumulated chronologically and filed alphabetically by fiscal year; held three years and retired to the Federal Records Center for permanent retention under control of this Command. Records are held for two years and then destroyed at the Office of Medical Affairs Geographic Commands.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Medical Command, 23rd and E Sts., N.W., Washington, D.C. 20372 Office of Medical Affairs Geographic Commands and Commanding Officers, Naval Medical Treatment Facilities.

NOTIFICATION PROCEDURE:

Address inquiries to the systems manager Inquiry must include name of decedent, military status at time of death, SSN and/or service number, and date of death Requestor may visit Naval Medical Command, 23rd and E Streets, N.W., Washington, D. C. 20372

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

RECORD SOURCE CATEGORIES:

Reports submitted by field commands and next of kin as required by regulations and directives pertaining to the decedent affairs program

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

NO1770-2

SYSTEM NAME:

Casualty Information Support System

SYSTEM LOCATION:

Primary System-Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses); Washington National Records Center, Suitland, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel who are reported missing, missing in Action, Prisoner of War or otherwise detained by armed force; deceased in either an active or inactive duty status; reported ill/injured in either active duty, fleet reserve, or retired status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, reports, and records in both automated and non-automated form concerning circumstances of casualty, next-of-kin data, survivor benefit information, personal and service data, and casualty program data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 USC 301 Departmental Regulations

PURPOSE(S):

To assist in the management of the casualty assistance program and to provide swift accurate responses to beneficiaries and survivors of Navy military personnel; to aid in the efficient settlement of the service member's estate and other affairs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Health and Human Services in connection with eligibility, notification and assistance in obtaining benefits due.

To officials and employees of the Veterans Administration and the Selective Service Administration in connection with eligibility, notification and assistance in obtaining benefits due.

To officials and employees of state and local government agencies in connection with eligibility, notification and assistance in obtaining benefits due.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper files, microfiche or microfilm.

RETRIEVABILITY:

Records may be retrieved by name and/or social security account number.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained, and cleared.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Files are retained and disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or in accordance with Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requestor. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB2), RM 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, Public Health Service, Veterans Administration, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; casualty reports may also be received from state and local agencies, Hospitals and other agencies having knowledge of casualties to Navy personnel; general correspondence concerning member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01770-3

SYSTEM NAME:

Naval Academy Cemetery Records

SYSTEM LOCATION:

U.S. Naval Academy, Administration Building Annapolis, Maryland 21402

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those eligible to reserve a lot for future burial in the Naval Academy Cemetery. Deceased individuals interred in the Naval Academy Cemetery.

CATEGORIES OF RECORDS IN THE SYSTEM:

State of Maryland Burial Transit Permit, Cemetery Interment Record (NDM-USNA-PWO-1170), U.S. Naval Academy Cemetery Records (NDW-USNA-DMC-5360/11) and correspondence to and from individuals. Specifically, information contained on the forms or correspondence may be: full name, home address, rank, service, social security number, date and place of birth, date and place of death, marital status, name of father and mother, date and place of burial, lot number and other information relating to burial arrangements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031; Title 10, Secs 1481-88; 44 U.S.C. 3101

PURPOSE(S):

To maintain official records of individuals holding gravesite reservations in the Naval Academy Cemetery. Records are used to respond

to general inquiries from individuals holding gravesite reservations. To verify eligibility of widows of an officer or enlisted person of the Navy or Marine Corps who is buried in the Naval Academy Cemetery.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Records are kept in a building not open to general visiting and are maintained in an area accessible only to authorized personnel. Building is under surveillance of security personnel during non-working hours.

RETENTION AND DISPOSAL:

Records are permanent. They are retained after the individual is deceased.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Naval Academy, Annapolis, Maryland 21402

NOTIFICATION PROCEDURE:

Written requests may be made to the system manager.

RECORD ACCESS PROCEDURES:

The agencies rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agencies rules for contesting contents by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies and from the Register of Alumni.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01800-1

SYSTEM NAME:

Naval Home Resident Information System

SYSTEM LOCATION:

Primary System-Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia Pennsylvania 19146
Secondary System-National Personnel Records Center, St. Louis, Missouri 63132

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Residents of the Naval Home (current, discharged and deceased).

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning application for admission and supporting documents, personnel data, service data, personal affairs, administrative records covering period of residence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations
24 USC 17

PURPOSE(S):

To manage and supervise the Naval Home with specific emphasis on personnel administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Veterans Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by residents of the Naval Home.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records may be stored in paper file folders, and/or vertical card files.

RETRIEVABILITY:

Records may be retrieved by name.

SAFEGUARDS:

All file folders and cards of residents are locked in file cabinets and are available only to authorized persons having a need to know.

RETENTION AND DISPOSAL:

Records are maintained at Naval Home for life of Resident and for 10

years after death or discharge or Resident; thereafter, records are retained at the National Personnel Records Center, St. Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia, Pa 19146.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to : Governor, U.S. Naval Home, 24th and Grays Ferry Avenue, Philadelphia, Pa 19146. The letter should contain full name, social security account number (and/or enlisted service number/officer file number), rank/rate, and signature of requestor. The individual may visit the Governor, U.S. Naval Home for assistance with record located in that building. Proof of identification will consist of Military Identification Card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and Veteran's Administration in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N01810-1

SYSTEM NAME:

Directory of Retired Regular and Reserve Judge Advocates

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61) Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Officers of the Judge Advocate General's Corps

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, SSN, Designator, address, rank, retirement date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 806

PURPOSE(S):

To utilize/assign retired Judge Advocate Generals' Corps Officers to Official Navy Selection Boards involving Judge Advocate Generals' Corps Personnel and to facilitate location of lawyers throughout the world with naval experience, which may be utilized by the Naval Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Computer paper printouts

RETRIEVABILITY:

Computer paper printouts requested from the Bureau of Naval Personnel. Retirees are shown alphabetically by rank.

SAFEGUARDS:

Records are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records not kept after person is deceased.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information received from records held by the Bureau of Naval Personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NO1850-1

SYSTEM NAME:

Determinations on Origins of Disabilities For Which Military Members Have Retired

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired or former members of the Navy or Marine Corps who have been placed on the Temporary Disability Retired List or Permanent Disability Retired List and who have subsequently obtained or applied for Federal civilian employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests originated by individuals concerned or any federal agencies employing such individuals; Bureau of Medicine and Surgery historical narratives and opinions concerning the origins of disabilities of individuals on whom determinations have been requested; copies of Judge Advocate General determinations; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3502(a), 6303(a), 8332(c);
5 U.S.C. 301;
44 U.S.C. 3101.

PURPOSE(S):

Information is used as the basis for determinations concerning the eligibility of individuals to certain benefits connected with Federal civilian employment available to those disabled in combat with enemies of the United States or having disabilities caused by instrumentalities of war during periods of war.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determinations are rendered, upon request, to any Federal agencies employing members who retired from the naval service for disability.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in file folders.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the System Manager stating the full name of the individual concerned and the approximate date on which relief was requested. Written request must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12) Office of the Judge Advocate General Room 9N11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332

Armed forces identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Employment information in the system is submitted by the individuals concerned or the Federal agencies employing them. Medical information in the system is obtained from the individuals' medical records, physical evaluation board records, and service records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01850-2

SYSTEM NAME:

Physical Disability Evaluation System Proceedings

SYSTEM LOCATION:

Director, Disability Evaluation System, Ballston Tower 2, 801 N. Randolph St., Arlington, Va. 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps personnel who have been considered by a Physical Evaluation Board for separation or retirement by reason of physical disability (including those found fit for duty by such boards).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains medical board reports; statements of findings of physical evaluation boards; medical reports from Veterans Administration and civilian medical facilities; copies of military health records; copies of JAG Manual investigations; copies of prior actions/appellate actions/review taken in the case; transcripts of physical evaluation board hearings; rebuttals submitted by the member; intra and interagency correspondence concerning the case; correspondence from and to the member, members of Congress, attorneys, and other interested members; and documents concerning the appointment of trustees for mentally incompetent service members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1216

PURPOSE(S):

To determine fitness for duty or eligibility for separation or retirement due to physical disability of Navy and Marine Corps personnel, by establishing the existence of disability, the degree of disability, and the circumstances under which the disability was incurred, and to respond to official inquiries concerning the disability evaluation proceedings of particular service personnel.

Used by the Office of the Judge Advocate General relating to legal review of disability evaluation proceedings; response to official inquiries concerning the disability evaluation proceedings of particular service personnel; to obtain information in order to initiate claims against third parties for recovery of medical expenses under the Medical Care Recovery Act (42 U.S.C. 2651-53); and to obtain information on personnel determined to be mentally incompetent to handle their own financial affairs, in order to appoint trustees to receive their retired pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Veteran's Administration to verify information of service connected disabilities in order to evaluate applications for veteran's benefits.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders and microfiche, and in some files, plastic recording discs and cassettes.

RETRIEVABILITY:

Filed by year of initial disability proceeding, and alphabetically by name within that year.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours. Access during working hours is controlled by Board personnel and the office space in which the file cabinets and storage devices are located is locked after official working hours. The building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Records are permanent. They are retained by the Naval Council of Personnel Boards for six years. After that time, they are sent to the Washington National Center, 4205 Suitland Road, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, Va. 22203.

NOTIFICATION PROCEDURE:

Information may be obtained from the Naval Council of Personnel Boards.

Ballston Tower 2, 801 N. Randolph St., Arlington, Va. 22203.

Written requests for information should contain the full name of the individual, military grade or rate, and date of Disability Evaluation System action. Written requests must be signed by the requesting individual.

For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card (active duty or retired) or a driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, Va. 22203.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Military medical boards and medical facilities; Veterans Administration and civilian medical facilities; physical evaluation boards and other activities of the disability evaluation system, Naval Council of Personnel Boards, the Naval Medical Command; the Judge Advocate General; Navy and Marine Corps local command activities; other activities of the Department of Defense; and correspondence from private counsel and other interested persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N01900-1

SYSTEM NAME:

Naval Discharge Review Board Proceedings.

SYSTEM LOCATION:

Naval Discharge Review Board, Room 914, Ballston Tower 2, 801 North Randolph Street, Arlington, Va. 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Navy and Marine Corps personnel who have submitted applications for review of discharge or dismissal pursuant to 10 USC 1553, or whose discharge or dismissal has been or is being reviewed by the Naval Discharge Review Board, on its own motion, or pursuant to an application by a deceased former member's next of kin.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the former member's application for review of discharge or dismissal, any supporting documents submitted therewith, copies of correspondence between the former member or his counsel and the Naval Discharge Review Board and other correspondence concerning the case, and a summarized record of proceedings before the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 1553

PURPOSE(S):

The collected information is used to defend the Department of the Navy in civil suits filed against it in the State and/or Federal courts system. This information will permit officials and employees of the Board to consider former member's applications for review of discharge or dismissal and any subsequent application by the member; to answer inquiries on behalf of or from the former member or counsel regarding the action taken in the former member's case. The file is used by members of the Board for Correction of Naval Records when reviewing any subsequent application by the former member for a correction of records relative to the former member's discharge or dismissal.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by counsel for the former member, and by accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under 38 U.S.C. 3402 and duly designated by the former member as his or her representative before the Naval Discharge Review Board.

Officials of the Department of Justice and the United States Attorneys offices assigned to the particular case.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders; plastic recording disks and recording cassettes.

RETRIEVABILITY:

The records are filed by name, by social security number, and by service number.

SAFEGUARDS:

Files are kept within the Naval Discharge Review Board's administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in the Naval Discharge Review Board's administrative office for two years. After that time, they are sent to the Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Department of the Naval, 801 North Randolph Street, Arlington, Va. 22203

NOTIFICATION PROCEDURE:

Information may be obtained from the Naval Discharge Review Board, Room 905, 801 North Randolph Street, Arlington, Va. 22203. Telephone 202/692-4991

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the files is obtained from the former member or those acting on the former member's behalf, from military personnel and medical records, and from records of law enforcement investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

NO1900-2

SYSTEM NAME:

Navy Individual Service Review Board Proceedings (ISRB)

SYSTEM LOCATION:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for discharge from the United States Navy

who claim membership in a group which has been determined to have performed active military service with the United States Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the individual's application for discharge, supporting documentation, copies of correspondence between the individual and the Navy ISRB and other correspondence concerning the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95-202

PURPOSE(S):

The file is used in conjunction with the consideration of the individual's application for discharge and any subsequent application by the individual. The file is used by the individual, the counsel for the individual, his/her designated representative and by the Navy ISRB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders and cross-referenced index cards.

RETRIEVABILITY:

The records are filed by name.

SAFEGUARDS:

The files are kept within the Naval Military Personnel Command offices. Access during business hours is controlled by Command personnel. Records not in use are maintained in a room which is locked during non-duty hours. The Command is secured at the close of business and the building is which the command is located has limited access controlled by security guards.

RETENTION AND DISPOSAL:

Applications which are approved will necessitate creation of a service record which is part of the Navy Personnel Records System. Remaining records are retained in the Naval Military Personnel Command for two years and then destroyed. Cross-referenced index cards are retained permanently in the Naval Military Personnel Command.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commander, Naval Military Personnel Command (NMPC-3), Department of the Navy, Washington, DC 20370.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information contained in the files is obtained from the individual or those acting on the individual's behalf, from other military records and from the Department of Defense Civilian/Military Service Review Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N03461-1

SYSTEM NAME:

Summary debriefs of former Prisoners of War.

SYSTEM LOCATION:

Fleet Aviation Specialized Operational Training Group, Pacific Fleet, Naval Air Station, North Island, San Diego, California 92135

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Prisoners of War in Southeast Asia.

CATEGORIES OF RECORDS IN THE SYSTEM:

Synopsis of captivity experiences as summarized by debriefers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

School instructors/managers use this system to maintain information on captivity experiences, resistance techniques, and survival aspects including indoctrination, interrogation, POW organization, communications, medical/isolation conditions and facilities for use in training programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Need to know certification, locked room, limited access building with visitor control, GSA Approved Security Container.

RETENTION AND DISPOSAL:

Held indefinitely in support of training.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, Naval Intelligence Command Headquarters, 2461 Eisenhower Avenue, Alexandria, Virginia 22331.

NOTIFICATION PROCEDURE:

Commanding Officer of military personnel submit visit request (OPNAV Form 5521-27) to Commanding Officer, Fleet Aviation Specialized Operational Training Group, Pacific Fleet, Naval Air Station, North Island, San Diego, California 92135. Civilian personnel submit request to System Manager.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Debriefing sessions with individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

N03461-2

SYSTEM NAME:

POW/MIA Captivity Studies

SYSTEM LOCATION:

Naval Aerospace Medical Institute, Special Studies Department(122), Naval Air Station, Pensacola, Florida 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files are maintained by Code on all military and civilian returned prisoners of war, and on the families of military POW/MIAs, civilian POWs and military KIAs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of intelligence debriefing material, microfilm and microfiche copies of medical records, X-rays, dental and somatotype photographs, newspaper clippings, individual and family research questionnaires.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

Files are converted to group statistics and are used for research into the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications. Information is used by the Professional Staff, Center for Prisoner of War Studies, Research Staff, Naval Aerospace Medical Institute, Pensacola, Florida; Research Staff, Brooke Army Medical Center, San Antonio, Texas.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Files consist of file folders, magnetic and video tapes, key-punched IBM cards, computer tapes, microfiche and microfilm.

RETRIEVABILITY:

Files are retrieved by code number.

SAFEGUARDS:

All files in this system are protected by limited, controlled access, locked doors and class 6 security cabinets. Only professional and/or research staff with appropriate security clearances are given access to files.

RETENTION AND DISPOSAL:

The files will be maintained as long as there is an ongoing program of captivity research; with destruction of codes when files are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, RPOW Data Analysis Division,
Naval Aerospace Medical Institute,
Naval Air Station, Pensacola, Florida
32508

NOTIFICATION PROCEDURE:

Write: Commanding Officer, Naval
Aerospace Medical Institute, ATTN:
Code 122, Naval Air Station, Pensacola,
Florida 32508, providing full name,
military or civilian status, POW status,
security clearance, and service
affiliation.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to
records may be obtained from the
System's manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting
contents and appealing initial
determinations by the individual
concerned may be obtained from the
System Manager.

RECORD SOURCE CATEGORIES:

All information contained in files was
obtained through personal interviews
with returned POWs, families of POW/
MIA/KIA/hostages/civilian POWs,
through intelligence debriefings at time
of repatriation, newspapers and
periodicals, and from materials supplied
by the Department of the Army (Office
of the Surgeon General and Army
Intelligence); Department of the Navy
(Bureau of Medicine and Surgery and
Naval Intelligence); and Marine Corps
Headquarters.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

None.

N03501-1

SYSTEM NAME:

Fleet Ballistic Missile Submarine
Demo and Shakedown Operation Crew
Evaluation

SYSTEM LOCATION:

Director, Strategic Systems Projects
(PM-1) Department of the Navy
Washington, D.C. 20376

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Officer and enlisted personnel in
responsible positions within the
Weapons and Navigation Department of
both crews of a fleet ballistic missile
submarine undergoing Demonstration
and Shakedown Operations

CATEGORIES OF RECORDS IN THE SYSTEM:

Memorandum report to file

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

5 USC 301

PURPOSE(S):

Preparation of Certification for
Deployment Messages by Director,
Strategic Systems Projects and
Commander, Submarine Group Six, and
development of follow-on training
programs.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

The Blanket Routine Uses that appear
at the beginning of the Department of
the Navy's compilation apply to this
system.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File holders

RETRIEVABILITY:

Ship and crew designators

SAFEGUARDS:

Access restricted to Assistant for
Weapons System Operation and
Evaluation staff, Strategic Systems
Project Office and Commander
Submarine Group Six staff. Vault
storage.

RETENTION AND DISPOSAL:

Maintained for at least two years then
destroyed by shredding

SYSTEM MANAGER(S) AND ADDRESS:

Director, Strategic Systems Projects
Department of the Navy Washington,
D.C. 20376

NOTIFICATION PROCEDURE:

All inquiries should be directed to the
Privacy Act Coordinator:
Deputy Director, Strategic Systems
Projects
Department of the Navy
Washington, D.C. 20376
and should indicate full name,
military status, time period and ship
undergoing Demonstration and
Shakedown Operations, and billet held.

RECORD ACCESS PROCEDURES:

The agency's rules for access to
records may be obtained from the
system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting
contents and appealing initial
determinations by the individual
concerned may be obtained from the
system manager.

RECORD SOURCE CATEGORIES:

Observation of Demonstration and
Shakedown Operation team and
questionnaire filled out by ship's
personnel

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

NONE

N03760-1

SYSTEM NAME:

Individual Flight Activity Report

SYSTEM LOCATION:

Commander, Naval Safety Center,
Naval Air Station, Norfolk, VA 23511

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

All aeronautically designated
commissioned Navy and Marine
Officers assigned as crew members in
the operation of an aircraft in
accordance with the direction of
competent authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of each flight submitted by
the custodian of the aircraft. Total flight
activity survey reports and annual flight
activity reports.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

5 USC 301 Departmental Regulations

PURPOSE(S):

Flight activity data for specific
individuals or categories of aviators is
correlated with aircraft mishap data.
This information is analyzed in order to
determine the relationship between
various categories and combinations of
flight experience and accident
involvement. Results of these studies are
provided to all echelons within the Navy
and Marine Corps having responsibility
for flight operations, pilot training and
allocation of resources to and within the
aviation program. An annual summary
of flight activity by model aircraft is
provided to each reporting individual for
his/her verification and personnel
records. Upon request, a detailed by
flight report for a specified time frame is
also provided. Records are also
provided to Commander, Naval Military
Personnel Command for promotional
screening, detailing and compliance
with minimum standards. Summaries of
flight activity for Marine Corps
personnel are provided to the
Commandant of the Marine Corps.
Records of specific pilots or categories
of pilots are provided to contractors, if
required, for projects either funded by or

deemed potentially valuable to the Department of the Navy.

To the Naval Audit Service to investigate certain phases of the Naval Aviation Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To committees authorized by Congress to investigate certain phases of the Naval Aviation Program.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Any of the data elements such as pilot's social security number, model aircraft, squadron and specific flight experience may be used to retrieve individual records.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information which are not included in the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Aviation Safety Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial

determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Aircraft reporting custodian, Navy and Marine Corps pilots.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N03834-1

SYSTEM NAME:

Special Intelligence Personnel Access File

SYSTEM LOCATION:

Commander Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel of the Department of the Navy and contractors and consultants of the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records pertaining to the eligibility of Department of the Navy personnel (civilian, military, contractor and consultant) to be granted access to Special Intelligence which include documents of nomination, personal history statements, background investigation date and character, narrative memoranda of background investigation, eligibility documents for access to special intelligence, proof of indoctrination and debriefings as applicable and record of hazardous activity restrictions assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by federal agencies; Executive Order 11652, classification and declassification of National Security Information and Material.

PURPOSE(S):

To permit a determination of an individual's eligibility for access to Special Intelligence information. This information may be provided to the Department of Defense and all its components to certify Special Compartmented Intelligence access status of Naval personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, the Department of Energy, the Department of Treasury, and to any other Federal agency in the performance of their official duties, to certify SCI access status of Naval personnel.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active files consist of paper records in file folders and computerized tapes. Inactive files are retained on microfiche.

RETRIEVABILITY:

Records are filed alphabetically by last name of the individual.

SAFEGUARDS:

GSA approved containers located in controlled access spaces.

RETENTION AND DISPOSAL:

Records are retained indefinitely. Inactive files are retained on microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389.

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager, giving full name, residence address and date and place of birth. A notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal History Statement and related forms from the individual. Access forms and documents prepared by the system manager. Correspondence between system manager and activities requesting access status.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1) and (5) as applicable. For additional information contact the System Manager.

N03900-1

SYSTEM NAME:

Naval Air Test Center Technology Data File

SYSTEM LOCATION:

Office of Staff Assistant for Research and Technology, Naval Air Test Center, Patuxent River, Maryland 20670. Included in this notice are those records duplicated for maintenance at a site closer to where the technical specialists and technology representatives work.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military technical managers, directors, technical directors, chief test pilots, chief engineers, program managers, department heads, department chief engineers, technical specialists and technicians who work at the Naval Air Test Center (NAVAIRTESTCEN). It also includes personnel who are considered a technical resource by directorate management.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, date of birth; status (military or civilian); classification (i.e., GS-0855 for civilians or 06/1510 for military); formal education; technical courses/operational training; test and evaluation, research and development, and military experience; current RDT&E activity contacts; membership in professional organizations and societies; level of responsibility in NAVAIRTESTCEN organization; organizational code; office telephone number; naval aviation technology preference and a listing of any unique technical skills, experience or knowledge the individual may possess.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To develop an on-line information network which provides project personnel a means to fully exploit NAVAIRTESTCEN technical resources and provide technical managers a real-time assessment of NAVAIRTESTCEN technical depth in the areas of education, training, experience and professional interface associated with emerging naval aviation technologies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on magnetic disk and hardcopy forms.

RETRIEVABILITY:

Social Security Number

SAFEGUARDS:

During working hours the NAVAIRTESTCEN staff building is open to official visitors and civilian, military and contractor personnel employed by NAVAIRTESTCEN. After working hours, the building is secured. Access to the staff building after working hours can only be obtained by securing assistance from the base Command Duty Officer. The system is protected by the following software features: user identification number, password sign-on and procedure name.

RETENTION AND DISPOSAL:

Records are retained in the current data base until he/she is no longer an employee of NAVAIRTESTCEN. When an employee leaves NAVAIRTESTCEN, the record is removed from the current data base. After ten years, the record will be erased from tape.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant for Research and Technology, Naval Air Test Center, Patuxent River, MD 20670.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

All data contained in the NAVAIRTESTCEN Technology Data File is obtained from the individuals in the data file. Data is collected by means of an annual questionnaire.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04050-1

SYSTEM NAME:

Personal Property Program

SYSTEM LOCATION:

All Navy Personal Property Counseling and Shipping Offices and Federal Records Centers (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOD and other federal departmental military personnel and their dependents and civilian employees and their dependents having applied for and shipped and/or stored personal property, privately owned automobiles and mobile homes.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's applications for shipment and/or storage related shipping documents and records of delivery, payment, and inspection of personal property. Forms maintained include: DD 619 Statement of Accessorial Services Performed; DD 1100 Household Good Storage Record; SF 1103 U.S. Government Bill of Lading; DD 1252 U.S. Customs Declaration for Personal Property Shipments (Part I); DD 1252-1 U.S. Customs Declaration for Personal Property Shipments (Part II); DD 1299 Application for Shipment and/or Storage of Personal Property; DD 1671 Reweight of Personal Property; DD 1780 Report of Carrier Services Personal Property Shipment; DD 1781 Customer Satisfaction Report; DD 1797 Personal Property Counseling Checklist; DD 1799 Member's Report on Carrier Performance- Mobile Homes; DD 1800 Mobile Home Shipment Inspection at Destination; DD 1841 Government Inspection Report; DD 1842 Claim for Personal Property Against the United States; DD 1845 Schedule of Property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5724; DOD Regulation 4500.43; DOD Regulation 4500.34-R; 'personal Property Traffic Management Regulation;' JAG Manual; NAVSUP

Publication 490; "Transportation of Personal Property."

PURPOSE(S):

Navy Personal Property Shipping Offices applicable finance centers and the Navy Material Transportation Office for effecting, coordinating and payment of personal property shipment and storage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Buildings-rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained in Personal Property Office files for a period of four years, then forwarded to Federal Record Centers and/or General Accounting Office for indefinite retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Supply Systems Command (Code 05), Washington, D.C. 20376.

NOTIFICATION PROCEDURE:

Written requests may be addressed to the appropriate Navy personal property shipping office concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identity, full name, rank, dates of shipment-storage, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the Commander, Naval Supply Systems Commands (Code 05), Washington, D.C. 20376.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents of records and appealing initial determinations by the individual

concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms submitted by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NO4060-1

SYSTEM NAME:

Navy and Marine Corps Exchange and Commissary Sales Control and Security Files

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers, employees, and guests at Navy and Marine Corps Exchanges and Commissaries, including individuals making large dollar volume purchases and contract purchases; individuals having requested adjustments or made claims; individuals having previously passed bad checks or been apprehended for shoplifting.

CATEGORIES OF RECORDS IN THE SYSTEM:

Sales and contract records; lists, logs, or card records of individuals; claims and adjustment records; large volume purchase records; mail orders, and customer special order records, customer list; correspondence; and abuser notification letters. Records of complaints and investigations of regulatory and criminal violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations.

PURPOSE(S):

To control sales; to prevent and detect abuse of privileges; to determine responsibility when there are violations of regulations or criminal statutes. Information may be furnished to the Naval Investigative Service or command legal personnel for prosecution of military offenses and other administrative actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Federal Bureau of Investigation or foreign organizations for further investigation or prosecution.

To officials of other federal agencies in connection with the performance of

their official duties related to personnel administration.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tape, discs, drums, and punched cards. Manual records may be stored in file folders or microform, in file cabinets or other containers.

RETRIEVABILITY:

Automated and manual records may be retrieved by social security account number and/or name.

SAFEGUARDS:

Access is provided on a need-to-know basis, only. Automated records are located in restricted areas accessible only to authorized persons. Manual records and computer printouts are maintained in locked or controlled access areas.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST 5212.5B, Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to system manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, other records of the activity concerned, other records of activity investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(2), as applicable. For additional information, contact the system manager.

N04064-1

SYSTEM NAME:

Naval Academy Laundry/Drycleaning Charge Account

SYSTEM LOCATION:

Laundry and Drycleaning Plant, U.S. Naval Academy, Annapolis, MD 21402-5052.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have applied for a charge account with the Naval Academy Laundry and Drycleaning Plant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on Form NDW-USNA-DMH-4064/14 and includes applicant's name; SSN; rank (if applicable); branch of service; home and work addresses and telephone numbers. Information required to maintain the charge account records is obtained from and/or recorded on accounts receivable ledgers, journals, charge tickets and check listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031; 44 U.S.C. 3101; Executive Order 9397

PURPOSE(S):

To establish a charge account at the Naval Academy Laundry and Drycleaning Plant. Information will be used for billing purposes by the officials and employees of the Plant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in hard copy and magnetic minicassette tape form.

RETRIEVABILITY:

Both hard copy and magnetic tape records are accessed alphabetically by name.

SAFEGUARDS:

Access to building is restricted to authorized persons only. Record files are not available to personnel not requiring access in the performance of their official duties. This is routinely limited to the billing clerk processing the application and recording activity on the account. Records are secured within a

locked office in a locked building on a military installation when not actually in use.

RETENTION AND DISPOSAL:

Hard copy records are retained in the current file area as long as the charge account is active. These records are then retired and kept in secured storage for two years and then destroyed. Cassette tape records are of two types, daily and journal (monthly recapitulation). These tapes are erased on a daily or monthly basis, respectively, during the preparation of the following day's or month's activity record.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Laundry and Drycleaning Plant, U.S. Naval Academy, Annapolis, MD 21402-5052.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual applying for the charge account, from daily laundry and drycleaning will-call tickets (charges for goods and services provided) and from records of payment by charge account holders (check listings).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04064-2

SYSTEM NAME:

Retail Customer Claim Record

SYSTEM LOCATION:

Laundry and Drycleaning Plant, U.S. Naval Academy, Annapolis, MD 21402-5052.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Naval Academy Laundry

and Drycleaning Plant and appropriation 17X4002 for cash or credit settlement for damaged or lost articles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on Form NDW-USNA-DMH-4064/15 and includes claimant's name; SSN; rank (if applicable); home and work addresses and telephone numbers; description, original cost and date of purchase of item(s) for which claim is filed, and circumstances of loss or extent of damage; claim number, disposition, and remarks by approving authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031; 44 U.S.C. 3101; Executive Order 9397

PURPOSE(S):

Records are used by officials and employees of the Plant related to investigation of circumstances concerning a claim for cash or credit settlement for damaged or lost articles.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in hard copy form.

RETRIEVABILITY:

Records are maintained in standard office files and may be accessed alphabetically or chronologically.

SAFEGUARDS:

Access to building is restricted to authorized persons only. Record files are not available to personnel not requiring access in the performance of their official duties. This is limited to the official processing of the claim and the clerk who maintains the file and prepares the administrative paperwork. Records are secured within a locked office in a locked building on a military installation when not actually in use.

RETENTION AND DISPOSAL:

An individual's record is retained in the current file area for one calendar year after the close of the individual's claim. The record is then retired and kept in secured storage for one more year.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Laundry and Drycleaning Plant,
U.S. Naval Academy, Annapolis, MD
21402-5052.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies and from offices processing claims.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO4066-1

SYSTEM NAME:

Bad Checks and Indebtedness Lists

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305 (for all Navy Exchanges) Commissary Store operations as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges and Commissary Stores who have passed checks which have proven bad; recruits who have open accounts with Navy exchanges; patrons who have made C.O.D. mail order transactions and those patrons who make authorized charge or credit purchases where their accounts are maintained on the basis of an identifying particular such as name, social security number or service number.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check or checks; correspondence relative to attempt by the Navy exchange or

Commissary Store to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had two or more checks returned through their own fault or negligence) Accounts Receivable Ledger, detailed by patron; COD Sales Ledger.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031

PURPOSE(S):

To record receipt of bad checks from patrons; to monitor and avoid undue losses because of continued passing of bad checks. To keep track of the correspondence issued in an effort to recover losses. The information in this system is issued to all cashiers, exchange and commissary officers. The Accounts Receivable Ledgers are used to properly record credit sales and the payment of these accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The media in which these records are maintained vary, but include: magnetic tape; printed reports; file folders; file cards.

RETRIEVABILITY:

Name and social security number

SAFEGUARDS:

Locked file cabinets; supervised office spaces; supervised computer tape library which is accessible only through the computer center (entry to the computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL:

Records are kept for four years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

Record Holder: Director, Treasury Division (TD), Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

In the initial inquiry the requester must provide full name, social security number, activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide the following proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the bank involved and the activity sales records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO4066-2

SYSTEM NAME:

Commercial Fidelity Bond Insurance Claims

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305 (for all Navy Exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Navy exchanges, who the duly constituted authority (usually a Board of Investigation appointed by the base Commanding Officer) has established to be guilty of a dishonest act which has resulted in a loss of money, securities or other property, real or personal, for which the exchange is legally liable.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment Loss Reports, Cash and/or Merchandise Loss Reports from Navy exchanges, including correspondence relating to losses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031

PURPOSE(S):

To render proper assistance in processing insurance claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the insurance carrier (Fidelity Bond Underwriter) to ensure appropriate coverage.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The media in which these records are maintained varies but includes file folders and ledgers.

RETRIEVABILITY:

Name, payroll number, service number, activity.

SAFEGUARDS:

Locked file cabinets; locked offices which when open are supervised by appropriate personnel; security guards.

RETENTION AND DISPOSAL:

Records are kept for four years and then retired to the Federal Records Center, St. Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

In the initial inquiry the requestor must provide full name, payroll or military service number and activity where they had their dealings. A list of other offices the requestor may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requestors must provide proof of identity containing the requestor's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the insurance underwriter; audit reports; investigatory reports and/or activity loss records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04066-3

SYSTEM NAME:

Layaway Sales Records

SYSTEM LOCATION:

Commands, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305 (for all Navy exchanges)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges who buy goods on a layaway

CATEGORIES OF RECORDS IN THE SYSTEM:

Layaway Tickets and layaway patron lists

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031

PURPOSE(S):

To record the selection of layaway merchandise, record payments, verify merchandise pick-up and perform sales audits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders include layaway tickets and layaway patron lists.

RETRIEVABILITY:

Name, address, service number or exchange permit number

SAFEGUARDS:

Locked file cabinets, supervised records space

RETENTION AND DISPOSAL:

Destroyed after two years per Navy Exchange Manual

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

Record Holder: Director, Controller Non-appropriated Fund Division (CNAFD), Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305

In the initial inquiry, the requester must provide full name, social security number, activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requestors must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04066-4

SYSTEM NAME:

Navy Lodge Records

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305 (for all Navy Exchanges)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons and guests authorized lodging at a Navy exchange Navy Lodge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reservation request; guest registration card; navy lodge guest folio.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031

PURPOSE(S):

To keep a record of reservations to insure orderly room assignment and avoid improper booking; to record registration and payment of accounts; to verify proper usage by eligible patrons; cash control; to gather occupancy data; to determine occupancy breakdown; and to account for rentals and furnishings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The media in which these records are maintained vary, but include: folio card; ledger; Guest Registration Cards; and local copies and reports of central system reports.

RETRIEVABILITY:

Name; service number; social security number

SAFEGUARDS:

Supervised offices; locked files

RETENTION AND DISPOSAL:

Records are kept for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official Commander Navy Resale and Services Support Office Fort Wadsworth Staten Island, New York 10305

Record Holder Manager, Personalized Services (SODI) Navy Resale and Services Support Office Fort Wadsworth Staten Island, New York 10305

Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office Fort Wadsworth Staten Island, New York 10305

In the initial inquiry the requester must provide full name, social security number, service number and location of

the last Navy Lodge where they had dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual patron and the charges he or she incurred during a visit at the Navy Lodge.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04350-1

SYSTEM NAME:

Contract Field Service File

SYSTEM LOCATION:

Commander, Naval Electronic Systems Command, Washington, D.C. 20360

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contractor representatives (engineers/technicians)

CATEGORIES OF RECORDS IN THE SYSTEM:

NAVELEX 4603 maintains a contractor field engineer file system by name and company. The only personal information contained in these files are security clearance information (degree, date cleared, by whom), date and place of birth, and social security number. Contract services requests and authorizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulation

PURPOSE(S):

The system is used to notify ships, shipyards, supships, other Navy activities and some contractor plants of reporting engineers security information for tech assistants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

The files are filed by company and name.

SAFEGUARDS:

The files are located in a locked cabinet. When the cabinet is open, personnel is in the room at all times. Normally no other people have access to these files. The only ones that could have access based upon a need to know are the cognizant engineers and the contractor representatives may review their own personal jacket. ELEX 4603 personnel must remove records from cabinets.

RETENTION AND DISPOSAL:

The records are retained as long as the engineer is employed by the company, then the records are transferred to Archives for the standard retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Contract Services Coordinator, ELEX 4603

NOTIFICATION PROCEDURE:

Request must be made to system manager ELEX 4603. Requestor must provide full name, social security number and photo identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The source of information is from the contractor representatives (engineers/technicians) employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04385-1

SYSTEM NAME:

IG Investigatory System

SYSTEM LOCATION:

Inspector General offices within the Department of the Navy as listed in the directory of the Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged, suspected, convicted, or otherwise involved in areas of possible criminal or administrative misconduct, including, but not limited to, fraud, larceny, embezzlement, theft or other improper conduct relating to the acquisition or disposal of government property, conflict of interest, violation of the standards of conduct, or other violations of law or regulation pertaining to procurement, disposal and related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Administrative memoranda.
2. Investigative reports and other investigative/intelligence information.
3. Reports of disciplinary action taken.
4. Public court records.
5. Synopsis of the allegations of wrongdoings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (10 USC 987 app.(1982)), 10 USC 5088, Naval Inspector General: Details, duties; Department of Defense Directive 5106.1 of March 14, 1983, entitled, 'Inspector General of the Department of Defense'; Secretary of the Navy Instruction 5430.57D of December 9, 1980, entitled, 'The Naval Inspector General; Mission and Functions of'; Secretary of the Navy Instruction 5430.92, April 17, 1981, entitled, 'Assignment of Responsibilities to Counteract Fraud, Waste and Related Improprieties Within the Department of the Navy.'

PURPOSE(S):

To conduct and to coordinate official investigations and inquiries of audit to monitor final actions taken thereon. To disseminate information on misconduct, procurement fraud and related matters to other components within DOD.

To monitor the progress of criminal or administrative actions taken regarding Naval active duty officers in pay grade O-5 or higher and civil service employees (GS-13 or GM-13 and above), and any other DOD individuals (military and civilian) who have been named in allegations of wrongdoing which

apparently warrant criminal prosecution or adverse personnel actions. Internal users are Department of the Navy and Department of Defense component officials engaged in audit, investigative, inspection and management functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To federal, state or local law enforcement agencies, when such information relates to matters under their judicial or administrative cognizance.

To the Department of Justice or other appropriate agencies for use in judicial or administrative actions such as debarment/suspension actions and required notification of federal, state and local agencies.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, index cards, magnetic tape/discs.

RETRIEVABILITY:

By subject name and SSN; by case name, case number, type of crime and other case fields.

SAFEGUARDS:

Access is limited to officials/employees of the command who have a need to know. Files are stored in a locked cabinet. The area is sight controlled during normal work hours and locked during non duty hours. Building access is controlled during non-duty hours by a Security Force, which also conducts roving patrols of the building. There is no possibility that the computer can be accessed from outside the controlled area.

RETENTION AND DISPOSAL:

Files are maintained at the command for two years after final action is taken. Thereafter, files are stored with the nearest Federal Records Center. Electronic data are erased, over-printed or destroyed, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General of the Command in question. See the directory of Navy activities mailing addresses.

For tracking system, the Head, Investigations Division, Naval Inspector General (Code 81), Office of the Naval Inspector General, Bldg 200, Washington Navy Yard, Washington, DC 20374-2001.

NOTIFICATION PROCEDURE:

Written requests should be addressed to the system manager, giving full name, address, and either a social security number or date and place of birth. Written requests must be notarized. Individuals may visit the system manager between the hours of 0900-1500, Monday-Friday and must show proof of identity consisting of ID containing photograph.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals, investigative, judicial, and administrative reports, and complainants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (j)(2). The exemption rule for this system is contained in SECNAVINST 5211.5 series.

N04410-1

SYSTEM NAME:

File of Records of Acquisition, Transfer and Disposal of Privately Owned Vehicles

SYSTEM LOCATION:

U.S. Naval Radio Station, FPO New York 09516

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Navy personnel stationed at U.S. Naval Radio Station, FPO New York 09516 who own a concession vehicle in the United Kingdom.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for delivery of a motor vehicle without payment of duty, value added tax and car tax.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To maintain information on type of car, engine no., license no., year, make of car, base assigned, organization, SSNA, and paygrade.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Name

SAFEGUARDS:

Locked safe in Admin Office with a 24 hour security watch.

RETENTION AND DISPOSAL:

Records are maintained as long as a person owns a concession vehicle in the United Kingdom. Records are burned as soon as vehicle is either shipped out of the U.K. or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, U.S. Naval Radio Station, FPO New York 09516 is overall policy official with the Administrative Officer, U.S. Naval Radio Station, FPO New York 09516 as the subordinate holder.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to U.S. Naval Radio Station, FPO New York 09516, giving full name and social security number. Visitors may come to the Administrative Office at the address given under SYSMANAGER and must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Applicable U.S. Serviceman

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04410-2

SYSTEM NAME:

Military and Civilian Employee Dependents Hurricane Shelter Assignment List

SYSTEM LOCATION:

Commanding Officer, Naval Communication Station Key West, Key West, Florida 33040

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and civilian employees and their dependents who apply for assignment to naval communication station shelter

CATEGORIES OF RECORDS IN THE SYSTEM:

Record lists names, addresses, and phone numbers of military/civilian station personnel applying for shelter assignments for their families, together with names of dependent spouses, names and ages of dependent children, and whether or not requirement exists for station transportation to shelter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

Used by Disaster Preparedness Officer in determining shelter logistics requirements and by Shelter Officer in mustering assigned dependents in shelter in case of hurricane.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder

RETRIEVABILITY:

Name

SAFEGUARDS:

File maintained in locked cabinet by Disaster Preparedness Officer.

RETENTION AND DISPOSAL:

Maintained from May through April each year, disposed of by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Disaster Preparedness Officer, Naval Communication Station Key West, Key West, Florida 33040

NOTIFICATION PROCEDURE:

Individual record entries are filled out by hand by station military/civilian sponsors desiring to register their families in command hurricane shelter. System contains no info other than entries provided by sponsors. Certified

station sponsors may review/remove entry by phoning/visiting the Disaster Preparedness Officer, Naval Communications Station Key West.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All entries to file are hand written forms filled in by military/civilian command sponsors requesting hurricane shelter for their families.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N04410-3

SYSTEM NAME:

Duty Free Vehicle Log

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

Customs Officer, HMS Customs and Excise, Campbeltown, Argyll, Scotland

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals stationed aboard NAVWPNSFACDET Machrihanish who own vehicles purchased or imported into the United Kingdom duty free.

CATEGORIES OF RECORDS IN THE SYSTEM:

Single line entry on loose leaf pages listing: Name and rank/rate of individual; make, year and registration of vehicle; status (bought new in UK or imported) of vehicle; and date of purchase or importing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

To assist local customs officials in protecting against the illegal transfer of duty-free vehicles to UK citizens.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder

RETRIEVABILITY:

Name

SAFEGUARDS:

The records are maintained in an office that is locked when not manned.

RETENTION AND DISPOSAL:

Pen and ink changes are made to records until complete page must be retyped. Old pages are then destroyed by shredding or burning. Retention period dependent upon number of changes occurring. Method of disposal by local customs official unknown.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

NOTIFICATION PROCEDURE:

Individuals wishing to learn if records concerning them are still retained may contact the System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from documents provided by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N04410-4

SYSTEM NAME:

Record of Import and Export of Foreign Made Auto Vehicles into and out of Australia

SYSTEM LOCATION:

U.S. Naval Communication Station FPO San Francisco 96680

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Importers/exporters and purchasers of foreign made automobiles imported into Australia by U.S. personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of shipping and customs documents for automobiles imported into and exported from Australia.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, and Agreement between Australia and the United States of America concerning the status of United States forces in Australia and protocol to that agreement.

PURPOSE(S):

The Supply Officer uses this system to determine shipping and wharf handling requirements. The legal officer uses this system to monitor sale and/or export of foreign made vehicles imported into Australia by U.S. personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Name.

SAFEGUARDS:

File cabinet, Entry by legal/personal property office personnel only.

RETENTION AND DISPOSAL:

Duration of customs to duty bond. Destruction through burning.

SYSTEM MANAGER(S) AND ADDRESS:

Legal officer and personal property supervisor.

NOTIFICATION PROCEDURE:

Individual initiates record and may request information. Legal Officer, Personal Property Supervisor, U.S. Naval Communication Station. Information requested must provide: full name, official title, purpose of inquiry. Offices to be visited: Legal Office and Personal Property Office, U.S. Naval Communication Station. Proof of identity: visual recognition or identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by individual, copy of purchase documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N04650-1

SYSTEM NAME:

Personnel Transportation System

SYSTEM LOCATION:

Military Traffic Office & East Coast Passenger Control Point, Bureau of Naval Personnel, Navy Department, Washington, D.C. 20370.

District Passenger Transportation Office & West Coast Passenger Control Point, Headquarters, TWELFTH Naval District, Treasure Island, San Francisco, California 92132.

District Passenger Transportation Office & Alaskan Passenger Control Point, Naval Support Activity, Seattle, Washington 98115.

District Passenger Transportation Offices, all other Naval District Headquarters.

Overseas Area Travel Coordinators at U. S. Naval Activities, United Kingdom; U. S. Naval Activities, Spain; Headquarters, U. S. Fleet Air Mediterranean; U. S. Naval Support Activity, Naples, Italy; Headquarters, Middle East Force; U. S. Naval Station, Keflavik, Iceland; U. S. Naval Air Facility, Lajes, Azores; Naval Station, Argentina, Newfoundland; Naval Base, Guantanamo Bay, Cuba; Headquarters, TENTH Naval District; Headquarters, FIFTEENTH Naval District; Headquarters, U. S. Naval Forces, Mariannas; Headquarters, U. S. Naval Forces, Philippines; Headquarters, U. S. Naval Forces, Japan; and Naval Communication Station Harold E. Holt, Exmouth, Western Australia (See Directory of the Department of the Navy Mailing Addresses).

And local activities (See Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel, midshipmen, retired Navy members, civilian employees of the Navy, dependents of the foregoing, and other civilians

authorized through Navy commands to travel at Government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for travel and, where applicable, for passports and visas; requests for extension of 12-month limit on travel by retired member to home of record; supporting documents; correspondence, and approvals/disapprovals relating to the above records; travel arrangements in response to above applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 USC 404 Travel & Transportation Allowances--General

5 USC 5701 et seq Travel, Transportation & Subsistence

PURPOSE(S):

To determine eligibility for transportation; to authorize or deny transportation; and otherwise manage the personnel transportation system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the provision of transportation; diplomatic, official, and other no-cost passports; and visas to subject individuals.

Foreign embassies, legations, and consular offices--to determine eligibility for visas to respective countries, if visa is required.

To Commercial Carriers providing transportation to individuals whose applications are processed through this system of records.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums, and on punched cards. Manual records in file folders or file-card boxes, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by social security account number and/

or name. Manual records are filed alphabetically by name of applicant; applications for dependents filed by name of sponsor.

SAFEGUARDS:

Records are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or in accordance with Departmental regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to the local activity where the request for transportation was initiated (see Directory of the Department of the Navy Mailing Addresses), and/or to intermediate activities (if applicable) (see Directory of the Department of the Navy Mailing Addresses, or to the Chief of Naval Personnel (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370). The letter should contain full name, social security account number, address and signature of the requester. The individual may visit the activities and commands listed under LOCATION for assistance with the records maintained at the respective locations. Proof of identification will consist of Military Identification Card for persons having such cards. Others must present other positive personal identification, preferably picture-bearing.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, State Department and other agencies of the Executive Branch and components thereof, in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; foreign embassies, legations, and consular offices reporting approval/

disapproval of visas; and carriers reporting on provision of transportation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05100-1

SYSTEM NAME:

Diving Log

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military and civilian employees of the Navy involved in diving or exposed to a hyperbaric environment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Diving Log Report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

Reports summarizing diving activity are furnished to the commanding officer for individuals attached to the unit and are used to monitor experience levels associated with types of dives, equipment usage and requalification requirements. Individual records are also used to evaluate the diving program at specific activities and to determine if manning level, experience and operational requirements are consistent with an effective safety program. Pertinent individual records or statistical summaries prepared by Naval Safety Center analysts are also provided to all echelons within the Navy having a responsibility for the diving program and to the Commander, Naval Military Personnel Command, Naval Audit Service or other activities having responsibility for the administration or control of personnel assignments and hazardous duty payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Records may be selected based on any of the data elements contained in the file such as diver's social security number, organization unit, type of dive and equipment used.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to the diving program must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Submarine Safety Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05100-2

SYSTEM NAME:

Diving Accidents and Injuries

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA. 23511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military and civilian employees of the Navy involved in an accident or who are injured while engaged in diving or exposed to a hyperbaric environment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Diving Accident/Injury Report. Personnel Casualty Report. JAG manual investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

Records of diving accidents and injuries are evaluated by Naval Safety Center analysts to determine existence of problem areas and to detect trends. The records are correlated with the diving log reports and used as a basis for recommending changes in operating procedure, equipment, decompression schedules and training requirements. Individual reports and compilations of accidents and injuries are routinely furnished to activities within the Navy having responsibility for diving safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To government and private research institutions engaged in studies relating to the prevention or treatment of diving injuries or the design and usage of underwater equipment.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape.

RETRIEVABILITY:

Any of the data elements such as diver's social security number, type of accident, depth and purpose of dive, degree of injury and treatment provided are used to retrieve individual records.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to diving safety must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Submarine Safety, Naval Safety Center, NAS, Norfolk, Va. 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving, Office of the Judge Advocate General, and the Naval Medical Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05100-3

SYSTEM NAME:

Occupational Injury and Illness

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511 (Central) Subordinate Type Commands/Ship/Naval Units

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel who sustain an injury or occupational illness and Navy civilian personnel who sustain an occupational illness or injury resulting in one or more days of lost time.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accidental Injury/Death Reports. Personnel Casualty Reports. Hospital Admission Reports. JAG manual investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

Accidental injury records are used to compile a variety of statistical reports which are routinely published or prepared at the request of Navy forces afloat and shore activities. Individual injury reports are selected and reviewed by Naval Safety Center analysts in order to detect problem areas relating to operating procedure, training and equipment usage and malfunction. Results of these studies which may include individual injury reports are provided to commanding officers and to all echelons within the Navy having responsibility for the allocation of resources or the implementation of the Safety Program. Individual injury records are correlated with data contained in other personnel files in order to detect unfavorable trends within an activity and to recommend appropriate corrective measures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individual records and statistical summaries are provided on request to all Government activities having a legitimate need for such information. Individual records and summary data are provided to contractors and research activities in connection with projects either funded by or deemed potentially valuable to the Department of the Navy.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape. (Central location) File Folders/cardex (subordinate commands)

RETRIEVABILITY:

Any of the data elements such as social security number, command or unit identification code, degree of injury, location, equipment malfunction and cause factors are used to select individual records.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not within the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Occupational Safety, Health and Support Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Commanding officers of Forces Afloat and Shore activities, Judge Advocate General and Commander, Naval Medical Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05100-4

SYSTEM NAME:

Motor Vehicle Accidents and Injuries

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511
Subordinate/Type Commands/Levels

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel regardless of duty status who are injured as a result of a motor vehicle accident or are the operator of one of the vehicles involved in such an accident. Navy military and civilian personnel who are involved in a Government motor vehicle accident or a private motor vehicle accident on Navy property. Navy civilian employees who are injured in a motor vehicle accident during the course of their official duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Motor Vehicle Accident Report.
Personnel Casualty and Death Report,

Hospital Admission Reports and JAG manual investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

Motor vehicle accident records are used to compile statistics which are given wide dissemination within the Navy. Compilations of motor vehicle accident records for particular commands, activities and units are furnished on request to assist in the development of an effective safety program at all levels within the Navy. Accident records of individuals assigned to specific units or records of individuals involved in multiple accidents are provided to commanding officers. Motor vehicle accident records are correlated with data contained in other accident/injury or training files. The significance of this data is evaluated by Naval Safety Center analysts and summary information, specific individual records or composite records provided to all echelons within the Navy having a responsibility for motor vehicle safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individual records and statistical summaries are provided on request to all Government activities having a legitimate need for such information.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape. (Central location) File folders/cardex (subordinate commands)

RETRIEVABILITY:

Any of the data elements such as individual social security number, activity or unit identification, cause factors and degree of injury are used to retrieve individual records.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information which are not included in the routine usage criteria must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Original documents are destroyed when no longer required. Reports are not transferred to a record center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Occupational Safety, Health, and Support Programs, Naval Safety Center, NAS, Norfolk, VA 23511

NOTIFICATION PROCEDURE:

Individuals may write the System Manager giving full name, address, military status and social security number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Commanding officers of Forces Afloat and Shore activities, Judge Advocate General and Commander, Naval Medical Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05100-5

SYSTEM NAME:

Aviation Mishap Report

SYSTEM LOCATION:

Commander, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All aeronautically designated individuals in a crew status who are involved in a naval aviation mishap resulting in a cost of \$50,000 or more.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, flight experience of involved individuals, and location, severity, cause factors and description of the accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOD Instruction 1000.19, dated 18 October 1979; subject: Mishap

Investigative Reporting and Recordkeeping.

PURPOSE(S):

Used to file complete reports of mishap involvement by individual pilots. The reports are required to evaluate potential problems of active duty aviators and to determine suitability for assignment to selected Reserve units. Unless required, the identification of individuals will be deleted from reports provided to non-Navy activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Departments of Labor, Commerce, Transportation and NASA for the purpose of promoting aviation safety.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape, disk storage packs, file folders and microfilm.

RETRIEVABILITY:

Name or social security number may be used for retrieval.

SAFEGUARDS:

Files are maintained within the data processing facility and a limited number of Naval Safety Center personnel have free access to this area. When the computer facility is not occupied, physical security is provided by the Naval Safety Center duty section and by periodic checks made by the base security patrol. A knowledge of the computer operating system is required to process the mechanized files.

RETENTION AND DISPOSAL:

Original source documents will normally be destroyed within 18 months after being processed. Microfilm copies of the source documents and the data files will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Records and Data Processing Department, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511.

NOTIFICATION PROCEDURE:

Individuals can determine the existence of records pertaining to them by contacting the System Manager. Full name and social security number must be provided.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The source of data for the file is the Aviation Mishap Report.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05101-1

SYSTEM NAME:

Safety Equipment Needs, Issues, Authorizations

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel whose work requires them to wear, or are issued, protective clothing or equipment, including prescription safety lenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listings, cards, and other records of individuals requiring, authorized, or issued prescription or other safety equipment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

Used by Safety Department personnel to determine who needs; is eligible; or has been authorized or issued prescription or other safety equipment for protection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card index files, file folders in file drawers, or microform.

RETRIEVABILITY:

By name or date of authorization or issue.

SAFEGUARDS:

Controlled access space or locked rooms; personnel screening.

RETENTION AND DISPOSAL:

Secretary of the Navy Instruction 5212.5B, Disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting access may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05101-2

SYSTEM NAME:

Sight Conservation Program

SYSTEM LOCATION:

Director, Naval Research Laboratory, Washington, D.C. 20375

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees wearing glasses whose work requires the use of safety glasses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Eyewear prescriptions and pertinent information on special fitting requirements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

PURPOSE(S):

To maintain a record of eyewear prescriptions for employees whose work requires use of safety glasses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Office door locked at night.

RETENTION AND DISPOSAL:

Retained as long as employee is on program. When he leaves NRL or changes job and does not qualify for program, his file is destroyed by tearing it up.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Safety Office, Naval Research Laboratory, Building 222, Room 188.

NOTIFICATION PROCEDURE:

Verbal request to system manager, with some proof of identity, such as driver's license or ID card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Optometrist's measurements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05120-1

SYSTEM NAME:

Bond Accounting

SYSTEM LOCATION:

Decentralized, maintained by Issuing Agents for Savings Bonds; a list is available from:
Commander
Navy Accounting and Finance Center
(NCF-123)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and Military Personnel of the Department of the Navy including contract employees who meet the requirement for ownership of savings bonds as outlined in Treasury Department Circular No. 530 as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual application and related records - The Bond Record File - Master Bond Record Card Control Account - The Master Control Account - Activity Subcontrol Accounts - Refund Subcontrol - Transfer Journal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To issue U.S. Savings Bonds; to provide an audit trail on requisition, control and issuance of bonds and to maintain the accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Metal file cabinets equipped with a locking device - Paper records in metal filing cabinets - Microfilm.

RETRIEVABILITY:

Retrieved by name, social security number or payroll number. From the Federal Reserve Bank by numerical sequence by serial number shown on bond issued stub.

SAFEGUARDS:

Locked cabinets, with building or military base security. Access authorized to personnel engaged in payroll processing, disbursing, supervisory or management personnel, and auditors. Bond subscribers are authorized to receive information on their own records.

RETENTION AND DISPOSAL:

Records are maintained for one year. Records are then forwarded to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Accounting and Finance Center (NCF-123), Washington,

D.C. 20376 Procedures are prescribed in Comptroller of the Navy Manual (NAVSO P-1000). For decentralized locations where individuals may deal directly, addresses are available from the SYSMANAGER.

NOTIFICATION PROCEDURE:

Information may be obtained by contacting the Bond Issuing Office responsible for issuing bond if known. If unknown the inquiry should be submitted to Commander, Navy Accounting and Finance Center, NCF-123, Washington, D.C. 20376. Requester should provide full name, social security number or payroll number, current address when requesting information. An individual is permitted to visit any Bond Issuing Agent Office for information and will be required to provide identification such as identification card (i.e., DOD Building Pass).

RECORD ACCESS PROCEDURES:

The Agency's rule for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Request for Bonds are filed by individuals who provide information on themselves. Other records are generated from the original request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05210-1

SYSTEM NAME:

Correspondence files

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These are files kept by subject, name of correspondent (Congressman, contractor, other member of public, etc.,) or name of recipient.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming and outgoing correspondence and related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To follow-up on previous correspondence, for reference purposes, to assure consistency of policy, and for other official Navy business, as required.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case Number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05300-1

SYSTEM NAME:

Organization Locator and Social Roster

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel attached to the activity; also may include military and civilian personnel of the Department of Defense and other government agencies; may also include family members and guests of military and civilian personnel; other invitees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual or mechanized records. Includes information such as names, addresses, telephone numbers; official titles or positions and organizations; invitations, acceptances, regrets, protocol, and other information associated with attendants at functions. Locator records of personnel attached to the organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To locate individuals on routine and emergency matters. System is used for mail distribution, for forwarding addresses, and as a recall list. Also, may be used as a social roster for social reference for various official and non-official functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape, and similar record formats.

RETRIEVABILITY:

Name, SSN, number, organization, function.

SAFEGUARDS:

Access provided on a need to know basis.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to record may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, correspondents, directories and official publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05300-2

SYSTEM NAME:

Administrative Personnel Management System

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities. Official mailing addresses are in the Navy's address directory in the appendix to the Navy Department's systems notices appearing in the Federal Register. Included in this notice are those records duplicated for maintenance at a site closer to where the employee works (e.g., in an administrative office or a supervisor's work area).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian, (including former members and applicants for civilian employment), military and contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence/records concerning identification, location (assigned organization code and/or work center code); MOS; labor code; payments for training, travel advances and claims, hours assigned and worked, routine and emergency assignments, functional responsibilities, clearance, educational and experience characteristics and training histories, travel, retention group, hire/termination dates; type of appointment; leave; trade, vehicle parking, disaster control, community

relations, (blood donor, etc), employee recreation programs, grade and series or rank/rate, retirement category, awards, property custody, personnel actions/dates, violations of rules, physical handicaps and health data, veterans preference, mutual aid association memberships, union memberships, qualifications, and other data needed for personnel, financial, line and security management, as appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5031

PURPOSE(S):

To manage, supervise and administer programs for all Navy civilian and military personnel such as preparing rosters/locators; contacting appropriate personnel in emergencies; training; identifying routine and special work assignments; determining clearance for access control; controlling the budget; travel claims; manpower and grades; maintaining statistics for minorities; employment; laborcosting; watch bill preparation; projection of retirement losses; verifying employment to requesting banking; rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; and similar administrative uses requiring personnel data. Arbitrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, card files, punched cards, magnetic tape, magnetic disc.

RETRIEVABILITY:

Name, SSN, Case number, organization, work center and/or job order.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual, employment papers, other records of the organization, official personnel jackets, supervisors, official travel orders, educational institutions, applications, duty officer, investigators, opm officials, and/or members of the American Red Cross.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05300-3

SYSTEM NAME:

Faculty Professional Files

SYSTEM LOCATION:

Superintendent, Naval Postgraduate School, Monterey, CA 93943-5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Faculty personnel employed by the Naval Postgraduate School and individuals applying for positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Faculty academic promotion/tenure case evaluation files and faculty professional status and accomplishment file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

Records are used by Department Chairmen, Deans, and the Superintendent to determine the ranking, promotion, tenure, reappointment and evaluation of faculty personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To potential/future employers who inquire concerning a faculty member's qualifications, status and accomplishments and who have an interest in hiring the member.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders

RETRIEVABILITY:

Name

SAFEGUARDS:

During work hours, records are secured within locked file drawers within departmental offices to which only authorized personnel have access. After working hours, records are kept within locked file drawers within secured offices located within a locked building which is part of a Naval facility to which entry is restricted.

RETENTION AND DISPOSAL:

Records are retained during the faculty member's period of employment. Records are destroyed upon termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Provost, Code 01, Naval Postgraduate School, Monterey, CA 93943-5100.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from previous employers, educational background, correspondence, peer evaluations, supervisory evaluations and student evaluations of teaching.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system are exempt under 5 U.S.C. 522a (k) (5). For additional information, contact the System Manager.

N05300-4

SYSTEM NAME:

Personnel Management and Training Research Statistical Data System

SYSTEM LOCATION:

Commanding Officer
U. S. Navy Personnel Research and Development Center
San Diego, California 92152

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U. S. Navy and Marine Corps Personnel and applicants thereto: Active duty, reserve, prior service, dependents, retired, and Department of the Navy civilians from 1951 to present. (Only samples of data from each category are on file, depending on research study.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance, attitudinal, biographical, aptitude, vocational interest, demographic, physiological. Data in any file are limited, depending on purpose of the research study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

The data are used solely by Navy Personnel Research and Development Center researchers who analyze them statistically to arrive at recommendations to management on such topics as: Comparison of different training methods, selection tests, equipment designs, or policies relating to improving race relations and decreasing drug abuse. In no case are the data used for other than statistical purposes; that is, the data are not used in making decisions affecting specific individuals as individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tapes, magnetic disk, punched cards, and coding

RETRIEVABILITY:

Records are retrievable by name, social security number, or service/file numbers, but such identifying information is used only to permit collation of data for statistical analysis, and is not used for retrieval of individual records.

SAFEGUARDS:

Unauthorized access to records is controlled by: Security clearances for all Research Center and contractor personnel; physical security including a badge system for entry to the Center and a 24-hour guard maintained on a fenced compound; control of visitors; data bank users having special access codes; and, access limited to only designated personnel.

RETENTION AND DISPOSAL:

Records are destroyed five years after termination of a research project. They are maintained within the confines of the Research Center. Destruction is accomplished by degaussing magnetic tapes and disks, and punched cards are recycled.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Programs (Code 03PA)
U. S. Navy Personnel Research and Development Center
San Diego, California 92152

NOTIFICATION PROCEDURE:

Research Center files are organized by research study. To determine if Center files contain information concerning himself, an individual would have to specify time and place of participation in the research, unit to which attached at the time, and descriptive information about the study so that appropriate data may be located. For further information, contact the System Manager.

Office to visit: Contact System Manager

Visitor Identification: System Manager will specify

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The source depends on purpose and nature of study: From the subjects themselves, educational institutions,

supervisors, peers, instructors, spouses, and job sample tests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05300-5

SYSTEM NAME:

Sys Cmd Acctg/Monitoring of Projects (SCAMP)

SYSTEM LOCATION:

Navy Regional Data Automation Center (NARDAC), Washington Navy Yard, Building 196, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees, assigned military personnel, contractor personnel and those separated within the current five fiscal years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's social security number, date of birth, home address, home telephone number, education level, sex, race or ethnic group. Other types of records integrated with personnel records include: (a) status of travel orders during the previous fiscal year; (b) vehicle identification for parking control purposes; (c) privacy log containing a history of accesses made to any of the privacy protected data; (d) record of personnel actions issued; (e) training data extracted from the Individual Development Plan (IDP); (f) history of all promotions associated with employment at NARDAC; (g) listing of security accesses; (h) manpower costs for all personnel distributed by project and task; and (i) data relating to projects or endeavors that individuals have work on. This data deals with costs and milestone monitoring.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 42 U.S.C. 2000e et seq., 44 U.S.C. 3101, Federal Personnel Manuals 293, 294, 295, 713.

PURPOSE(S):

To manage personnel, monitor projects and manage financial data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk and on magnetic tape.

RETRIEVABILITY:

SCAMP users obtain information by means of either a query or a request for a standard report. Personnel data may be indexed by any data item although the primary search key is the badge number.

SAFEGUARDS:

Access to building is protected by uniformed guards requiring positive identification for admission. The computer room where data is physically stored is protected by a cypher lock. The system is protected by user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

RETENTION AND DISPOSAL:

An individual's Personnel Master Data Set record is retained in the data base as long as they are actively employed with the Command. The online personnel data set is purged of all records of separated personnel at the end of each fiscal year. Historical data may be kept for five years on separate tape files.

SYSTEM MANAGER(S) AND ADDRESS:

Department Head, Management Information Analysis Department (Code 20B) NARDAC, Building 157, Washington Navy Yard, Washington, D.C. 20374.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the system manager. Written requests should contain the full name and signature of the individual concerned and his/her social security number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies, from security agencies to which application for clearances have been made, and from agencies' various administrative departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05300-6

SYSTEM NAME:

Armed Forces Staff College Administrative Data System

SYSTEM LOCATION:

Armed Forces Staff College (AFSC), 7800 Hampton Blvd., Norfolk, VA 23511-6097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have attended or will attend AFSC and those who are assigned to staff or faculty at AFSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name; SSN; age; sex; service specialty; engineering, logistics, or intelligence experience; rank; work room assignment; marital status; spouse's name; number, names and ages of dependents; seminar assignments; date of rank; years commissioned service; aero rating; Vietnam experience; smoker indicator; source of commission; examination results; education level; auditorium seat; address and telephone number of student while attending course; next duty assignment; major writing exercise grade; and recommendation for faculty assignment. The data items maintained on the historical file are name, SSN, military service, class number, major writing exercise grade, and recommendation for future faculty assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To maintain a data base that will permit the Armed Forces Staff College to keep track of student's examinations, evaluations and grades; to assign base housing; to achieve a uniform distribution of students at seminars based upon student's experience and military service affiliation; and to maintain a historical file of recommendations for future faculty assignments of students.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy forms.

RETRIEVABILITY:

AFSC users obtain information by means of standard reports or update programs.

SAFEGUARDS:

Access to building is protected by uniformed guards who require positive identification for admission after hours. System information is protected by port access restrictions and user password sign-on software.

RETENTION AND DISPOSAL:

The record of an individual in the current class is retained on disk and will be available for online access. Student information is kept in a historical file for all past classes. The historical file is also retained on disk and will be available for on-line access. An individual's class record will be retained for one year after graduation and then destroyed. There are currently no plans to discard the historical file information.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Naval Administrative Command, and Dean, Department of Academic Support, Armed Forces Staff College, 7800 Hampton Blvd, Norfolk, VA 23511-6097.

NOTIFICATION PROCEDURE:

Information should be obtained from the systems manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by a commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies and from the individual's seminar chairman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05330-1

SYSTEM NAME:

Manhour Accounting System

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active military and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record could contain any of the following: assigned organization code, work center code, name, grade code, pay rate, social security number, NEC/MOS, labor code, type transaction, hours assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5031

PURPOSE(S):

To maintain a data base which will permit officials and employees of the respective naval commands to effectively manage and administer the workforce such as scheduling and assigning work; identifying individuals' skill level; tools issued, planned absents and temporary assignments to other areas.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and flat paper

RETRIEVABILITY:

Name, organization code, SSNA, and work center.

SAFEGUARDS:

Files are stored in a limited access area. Information provided via batch processing is of a predetermined and strictly formatted nature.

RETENTION AND DISPOSAL:

Individual personal data are retained only for that period of time that an individual is assigned. Upon departure of an individual, personal data are deleted from the records and history records are not maintained.

SYSTEM MANAGER(S) AND ADDRESS:

The commanding officer of the activity in question. See directory of Navy activities mailing addresses.

NOTIFICATION PROCEDURE:

Individuals desiring information whether the system contains records pertaining to them should request that determination from the Records Holder listed under SYSMANAGER. The requester should provide his social security number and full name. The office of the Records Holder listed under SYSMANAGER may be visited for this determination but the requester must present his social security card and military identification card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Input provided by command employing individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05340-1

SYSTEM NAME:

Combined Federal Campaign/Navy Relief Society

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts from payroll systems and administrative personnel management systems. Contributor cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10927

PURPOSE(S):

To manage the Combined Federal Campaign fund drive of CFC records. To manage the Navy Relief Society Fund drive of NRS records. Data released to respective campaign coordinators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Records are maintained for one year or completion of next equivalent campaign and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Payroll files, administrative personnel files, contributors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05340-2

SYSTEM NAME:

Personal Commercial Affairs Solicitation Privilege File System

SYSTEM LOCATION:

Primary System-Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370.

Secondary System-Local Navy Activities involved in the Personal Commercial Affairs Solicitation Privilege System (see Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are authorized Personal Commercial Affairs Solicitation Authorization concerning solicitation privileges on board military installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning letter of application for solicitation privileges, letters of accreditation, violation incident data, denial data, appeal data, and other supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 USC 301 Departmental Regulations

PURPOSE(S):

To assist in responding to letters of application for solicitation privileges, granting letters of accreditation, responding to appeals and compiling of statistics pertaining thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To state and local agencies in the performance of their official duties related to agent qualifications.

To private firms whose agents have been banned may request verification of the status of agents.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual records may be stored in paper file folders.

RETRIEVABILITY:

Records are retrieved by name of agent or agency.

SAFEGUARDS:

Records are accessible only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Files are retained and disposed of in accordance with SECNAVINST P5212.5B, subj: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security number of the applicant, firm represented, and dates or time period in question, and signature of the requestor. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB-2), Rm 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity for access to records maintained locally. Proof of identification will consist of picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; State and local agencies in the performance of their official duties related to agent qualifications; investigatory records; general correspondence concerning individual agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05350-1

SYSTEM NAME:

Navy Personnel Rehabilitation Support System

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Navy Department, Washington, D.C. 20370;

Decentralized segments-Navy Drug Rehabilitation Centers, Navy Alcohol and Drug Information System Processing Office, Navy Alcohol Rehabilitation Centers, Naval Regional Medical Centers, Navy Counseling and Assistance Centers, Navy Alcohol Rehabilitation Drydocks, Naval Health Research Center, and local activities to which an individual is assigned (see Directory of Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy personnel (officers and enlisted) who have been identified as drug or alcohol abusers, or who have undergone counseling and rehabilitation for drug or alcohol abuse in Navy Drug or Alcohol rehabilitation facilities; counselors and counselor candidates; personnel who work part-time helping alcoholics; active duty navy recovered alcoholics who voluntarily help their commands develop alcoholism prevention programs; navy personnel convicted by court martial and sentenced to confinement; or who were in pre-trial confinement; spouses and significant others (this includes parents, live-togethers, and other non-spouses who play an important part in the alcoholic's/drug abuser's life) who have undergone counseling and rehabilitation in navy drug or alcohol rehabilitation centers, who themselves participate in counseling or treatment programs at such facilities and civilians authorized by the Secretary of the Navy for treatment at a military facility for rehabilitation purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of interview appraisals, progress reports, psychosocial histories, counselor observations and impressions of client's behavior and rehabilitation progress, copies of medical consultation and laboratory procedures performed, results of biochemical urinalysis for alcohol/drug abuse, and personnel service, biographical and educational data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title V, Public Law 92-129; Section 413; Public Law 92-255

PURPOSE(S):

To identify alcohol and drug abusers and either restore such persons to effective duty or identify rehabilitation failures for separation from Government service. Information is used to treat, diagnose, counsel and rehabilitate individuals in the drug or alcohol abuse programs. For counselors and counselor candidates to use in screening and evaluation of candidates for counselor school and the continuing evaluation of counselors during the course of their duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Blanket Routine Uses identified in the yearly recompilation do not apply to this system of records.

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C. Section 1175, as amended by 88 Stat. 137, and Title 42 U.S.C., Section 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Veterans Administration furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records may be stored on magnetic tapes, disc, drums or on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Manual records may be retrieved by name and social security number. Automated records may be retrieved by social security number. Computer programs associated with automated records maintained in this system allow for names and social security numbers to be removed while leaving other data elements intact. When the name and social security number is removed, data is aggregated for use in research, management information and planning.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records are maintained for two years and automated records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Written requests should be addressed to activity to which the individual received treatment or to the Commander, Naval Military Personnel Command, Navy Annex, Washington, D.C. 20370. Requests must contain full name, social security account number,

military status, address and signature of requester. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB-2) for assistance with records located in the Naval Military Personnel Command; the individual may also visit local activities concerned (see Directory of Department of the Navy mailing addresses). Proof of identification will consist of military ID card for persons having them or other picture-bearing ID.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; notes and documents from Service Jackets and Records; federal, state and local court documents; general correspondence concerning the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05353-1

SYSTEM NAME:

Treatment Effectiveness Assessment System

SYSTEM LOCATION:

Primary System-Alcohol Rehabilitation Branch, Health Promotion Division, Naval Medical Command, 23rd and E Streets, NW, Washington, DC 20372.

Secondary system-27 Alcohol Rehabilitation Services at Naval Hospitals in Bethesda, Maryland; Jacksonville, Florida; Pensacola, Florida; Orlando, Florida; San Diego, California; Long Beach, California; Oakland, California; Camp Pendleton, California; Bremerton, Washington; Charleston, South Carolina; Beaufort, South Carolina; Corpus Christi, Texas; Great Lakes, Illinois; Groton, Connecticut; Camp Lejeune, North Carolina; Millington, Tennessee; Newport, Rhode Island; Philadelphia, Pennsylvania; Quantico, Virginia; Guam; Guantanamo Bay, Cuba; Naples, Italy; Roosevelt

Roads, Puerto Rico; Okinawa, Japan; Yokosuka, Japan; Subic Bay, Republic of the Philippines; and Rota, Spain.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have successfully completed a six-week residential alcohol rehabilitation program at a Navy alcohol rehabilitation service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information collected is in three categories:

a. Treatment Facility Records. Title and address of facility; prognosis of individual; dates of treatment completion; and entry for whether an individualized aftercare program has been established.

b. Reviewer's Information. Reviewing official's name, grade and title, and date of review.

c. Service Member's Information. Name, SSN, grade, date of birth, current status, type of discharge, if applicable, and general information regarding individual's progress subsequent to treatment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 and 10 U.S.C. 5031

PURPOSE(S):

For officials and employees of the Naval Medical Command to maintain a data base which will permit monitoring treatment effectiveness of services that provide alcohol rehabilitation (Alcohol Rehabilitation Services/Substances Abuse Departments) at Navy medical treatment facilities in accordance with the Navy Substance Abuse Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on hard copy forms in a secured safe.

RETRIEVABILITY:

Data will be indexed by name and social security number.

SAFEGUARDS:

The records will be maintained in a secured, locked safe accessible only by combination number. Access to the secured safe is under the control of authorized personnel during working

hours. In addition, access to the compound is protected by uniformed guards and requires positive identification for admission.

RETENTION AND DISPOSAL:

Records are retained for three years after the individual successfully completes a residential Navy alcohol rehabilitation program. The records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Alcohol Rehabilitation Branch, Health Promotion Division, Naval Medical Command, Department of the Navy, 23rd and E Streets, NW, Washington, DC 20372.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies, the individual's current duty station, and from the Alcohol Rehabilitation Service in which attended.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05354-1

SYSTEM NAME:

Equal Opportunity Information and Support System

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Navy Department, Washington, D. C. 20370; and local activity to which individual is attached (see Directory of the Department of the Navy Mailing Addresses).

Secondary System-Department of the Navy Activities in the Chain of Command between the local activity and the Headquarters level (see

Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy personnel who are involved in formal or informal investigations involving aspects of equal opportunity; and/or who have initiated, or were the subject of correspondence concerning aspects of equal opportunity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning incident data, endorsements and recommendations, formal and informal investigations concerning aspects of equal opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To assist in equal opportunity measures, including but not limited to, investigations and correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When required by Federal statute, by Executive order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual concerned.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel on a need to know basis.

RETENTION AND DISPOSAL:

Records disposed of after two years in accordance with SECNAVINST P5212.5B, 'Disposal of Navy and Marine Corps Records'; or in accordance with Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval

Military Personnel Command (Attn: Privacy Act Coordinator), Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security account number, rank/rate, military status, and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FB2), Rm. 1066 Washington D.C. for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; federal, state, and local court documents; military investigatory reports; general correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1) and (5) as applicable. For additional information contact the System Manager.

N05370-1

SYSTEM NAME:

Statements of Employment (Regular Retired Officers)

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center Anthony J Celebrezze, Federal Building, Cleveland, Ohio 44199 and Marine Corps Finance Center, Kansas City, Missouri 64197

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps Regular retired officers who have filed a

Statement of Employment (DD Form 1357).

CATEGORIES OF RECORDS IN THE SYSTEM:

The information is typically contained in the individual's pay account file and occasionally accompanied by correspondence from, to, or concerning individuals in the above-stated category.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3326; 18 U.S.C. 207, 281, 283; 37 U.S.C. 801; 44 U.S.C. 3101; U.S. Const., Art. I, 9, CL. 8.

PURPOSE(S):

To determine whether the retiree has or may have a conflict of interest or is engaging in prescribed post-retirement employment activities. In some cases, the information is provided to the Judge Advocate General to serve as basis for advisory opinions on the legality and possible penal and civil consequences of post-retirement employment activities and related conflicts of interests and standards of conduct questions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Justice and other law enforcement and investigation agencies in instances of suspected violations of conflict of interests and related standards of conduct.

To the Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to instances of suspected violations of conflict of interests and related standards of conduct.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By name or social security number of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Records are maintained at the above-stated locations for up to two years after the death of the individual concerned, at which time they are transferred to the Federal Records Center, Mechanicsburg, Pennsylvania, in the case of Navy personnel, and to the Federal Records Center, Kansas City, Missouri in the case of Marine Corps personnel.

SYSTEM MANAGER(S) AND ADDRESS:

For Navy Regular retired officers:
Comptroller of the Navy
Navy Department
Washington, D.C. 20350

For Marine Corps Regular retired officers:

Commanding Officer
Marine Corps Finance Center
1500 East Bannister Road
Kansas City, Missouri 64197

NOTIFICATION PROCEDURE:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and social security number); the written request must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager for Marine Corps and the Navy Finance Center for Navy.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager for Marine Corps and the Navy Finance Center for Navy.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05370-2

SYSTEM NAME:

Statements of Employment and Financial Interest

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as listed in the directory of Department of the Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing DD 1555 or DD 1555-1

CATEGORIES OF RECORDS IN THE SYSTEM:

DD 1555 or DD 1555-1 and supplemental lists or reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations and E.O. 11222.

PURPOSE(S):

For supervisors and counselors to determine whether the employee has or may have a conflict of interest. The Naval Investigative Service may use the system to handle violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For law enforcement and investigatory agencies, such as the Federal Bureau of Investigation and the Department of Justice, to handle violations.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders and card files.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Safe or locked file cabinet accessible to authorized personnel only.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, his supervisor, and the counselor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05371-1

SYSTEM NAME:

Conflicts of interest and employment activities.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, or retired military personnel and present and former civilian employees of the Navy or Marine Corps who, by reason of their own inquiries or inquiries or complaints of Department of the Navy or other Federal officials or other appropriate persons, have been the subject of correspondence with the Judge Advocate General concerning the legality of outside Federal, State, or private employment or financial interests, dual Federal employment, post-retirement employment, defense related employment, or foreign employment; acceptance of gifts, gratuities, or benefits from Government contractors, foreign governments, or other sources, or other possible violations of Federal conflicts-of-interest or standards-of-conduct laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from, to, or concerning, individuals of the above stated category regarding their current, past, or prospective outside Federal, State, or private employment; defense-related employment; post-retirement employment; foreign employment; dual Federal employment; acceptance of gifts, gratuities, or benefits from Government contractors, foreign governments, or other questionable sources; or other possible violations of conflicts-of-interest or standards-of-conduct laws or regulations. Additionally, such records sometimes include copies of statements of employment submitted by retired military personnel to the Navy Finance Center and referred to the Judge Advocate General for review and further action, and copies of investigative reports concerning suspected violations of pertinent laws or regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3326, 5532; 10 U.S.C. 973, 974, 1032, 6223;
 18 U.S.C. 202, 203, 205, 207, 209, 219, 281, 283;
 37 U.S.C. 801;
 U.S. Const., Art. I, 9, cl 8;
 5 U.S.C. 301;
 44 U.S.C. 3101.

PURPOSE(S):

Information is used as the basis for advisory opinions on the legality of employment activities, financial interests, and the related conflicts-of-interest and standards-of-conduct questions described above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the General Accounting Office; the Department of Justice; and the Office of Personnel Management in instances of suspected violations of pertinent laws or regulations.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in file folders.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Files are maintained in file cabinets under the immediate control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after five years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va., 22332

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12), Office of the Judge Advocate General, Room 9n11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Armed forces identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is furnished by the individual and is supplemented by correspondence from Federal officials; current, past, and prospective employers; other interested persons regarding possible conflicts of interest and employment activities; and by investigations pertaining to particular suspected violations. Additional information in the form of statements of employment is forwarded by officers of the Navy Finance Center to the Judge Advocate General for review and further action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

N05512-1

SYSTEM NAME:

Vehicle Control System

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals that have vehicles registered at a particular Navy installation; and all individuals who apply for Government Motor Vehicle Operator's License.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical file of each individual who have vehicles registered or who have applied for a Government Motor Vehicle Operator's License. Files kept by month, individual's name, date of

birth, SSN, height, weight, hair and eye color, place of employment, driving record, license number, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

Used as a car pool locator, vehicle registration, parking control system, insurance verification system to verify issue of license when individual has lost his or her operator's card, and may be referred to by security or safety officials to determine individual's previous driving record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05520-1

SYSTEM NAME:

Personnel Security Eligibility Information System

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

Secondary System-local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Navy and Naval Reserve, former members, and applicants for enlistment or commissioning.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain reports of personnel security investigations, criminal investigations, and counterintelligence investigations, usually brief excerpts only; correspondence, records and information pertinent to an individual's eligibility for acceptance and retention, personnel security clearance, assignment to the Nuclear Weapon Personnel Reliability Program or other 'high risk' program requiring personnel quality control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To determine service member's eligibility for acceptance and retention, personnel security clearances, assignment to the Nuclear Weapon Personnel Reliability Program and other 'high risk' programs requiring quality control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To state and local government agencies in the performance of their official duties relating to personnel security eligibility.

To officials and employees of other Executive Branches of the Government, upon request, in the performance of their duties related to personnel security eligibility.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders and index cards. Some information from the paper records is contained in an automated file.

RETRIEVABILITY:

Filed alphabetically by last name of individual. Automated files are by social security account number.

SAFEGUARDS:

Stored in locked safes and cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records and portions thereof vary in period of time retained; records are retained and disposed of in accordance with Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to Commander, Naval Military Personnel Command, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities). The letter should contain full name, social security number, rank/rate/civilian status, address and notarized signature of the requestor. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, (FOB2) Washington, D.C., Rm. 1066, for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and other Departments and Agencies of the Executive Branch of government, and components thereof, in performance of their official duties and as specified by current instruction and regulations promulgated by competent authority; civilian and military investigative reports; federal state and local court documents; fingerprint cards; official correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (2), (5), and (7) as applicable. For additional information contact the System Manager.

N05520-2

SYSTEM NAME:

Listing of Personnel - Sensitive Compartmented Information

SYSTEM LOCATION:

Director, Naval Research Laboratory, Washington, D. C. 20375

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals indoctrinated for access to compartmented information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, affiliation, billet description, clearances authorized, clearances held, rank, Social Security Number, Background Investigation date, date of birth, place of birth, date of marriage, place of marriage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

To record and monitor the NRL sensitive compartmented information (SCI) billet structure (personnel authorized to be indoctrinated for SCI).

To control and monitor access to sensitive compartmented information facilities.

To maintain records of NRL personnel visiting other commands as well as personnel from other activities who visit NRL on SCI visits.

To maintain a listing of SCI materials signed out on sub-custody to division personnel for inventory control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape

RETRIEVABILITY:

Name, Social Security Number, affiliation, assigned billet number

SAFEGUARDS:

Three combination security container and/or vault.

RETENTION AND DISPOSAL:

Records maintained as long as individual authorized access; changed as changes occur.

Magnetic tape erased as required.

SYSTEM MANAGER(S) AND ADDRESS:

Special Security Officer, Naval Research Laboratory, Washington, D. C. 20375

NOTIFICATION PROCEDURE:

Letter to System Manager at above address giving full name, Social Security Number, and affiliation, or visit to NRL Special Security Office with NRL pass as identification

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

All information obtained from individuals and indoctrination documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05520-3

SYSTEM NAME:

Civilian Personnel Security Files

SYSTEM LOCATION:

Department of the Navy Staff, Headquarters and Field Activities employing civilians in sensitive and nonsensitive positions. Official mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Appropriated and nonappropriated fund employees, contractor employees and visitors requiring base or activity access, and applicants under consideration for employment within the employing activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain records and information appropriate to the activities civilian employee security program and may include certificates of personnel security clearances and source documents which identify the appropriate investigative basis for clearance eligibility, security access information, copies of requests for investigation, personal history and qualifications statements and other information provided by the employee, signed security briefing and debriefing statements, exception documents, copies of letters of reprimand or suspension, memorandums between the personnel officer or other officers and the security manager, final and interim reports of investigations completed, correspondence concerning personnel security matters, records of security orientation, education and training provided employees, internal security information, records of security violations, and information from law enforcement agencies, former employers and supervisors, references and schools attended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450 (as amended), 'Security Requirements for Government employment' Internal Security Act 1950, 18 USC 1382, and Title 18 U.S. code, and E.O. 9397.

PURPOSE(S):

To provide an effective program to insure that the employment and retention in employment of any civilian officer or employee within the activity is clearly consistent with the interests of national security. To determine the investigative requirements for appointment and retention of civilian

officers and employees. To provide information concerning the security clearance and degree of access granted each employee. To provide a basis by which an applicant or employee may be determined suitable for employment or retention in employment in sensitive or nonsensitive positions within the Federal civilian service. To provide a record of favorable security and suitability determinations made by the Navy Central Clearance Group, of favorable and unfavorable determinations made by the Secretary of the Navy and of suitability determinations made by the Office of Personnel Management and the activity.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on file cards.

RETRIEVABILITY:

Name (last, first, middle), date of birth, and social security number.

SAFEGUARDS:

Safekeeping and storage in accordance with the Department of the Navy Information Security Program Regulation, OPNAV 5510.1G.

RETENTION AND DISPOSAL:

Records are retained during the employment of the employee at the activity, and during period applicants are being considered for employment, but may be disposed of at any time after serving their purpose. The records are disposed of upon separation (retirement, transfer, resignation, termination, etc.) of the employee. Disposal may be made by (1) return to the source from which received, if required, (2) forwarding to the Department of Defense activity to which an employee is transferred, or (3) destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officers of Heads of Department of the Navy Staff, Headquarters and field activities employing civilians.

NOTIFICATION PROCEDURE:

Request should be by correspondence addressed to the SYSMANAGER. The letter should contain the full name, date

and place of birth, and social security number of the requester and his signature. Official mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register. The employee may visit the Security Manager's Office of the activity at which she or he is employed.

RECORD ACCESS PROCEDURES:

The agency's rules for access may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Investigation results and information provided by appropriate investigative agencies and the Naval Civilian Personnel Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1), (2), and (5) as applicable. For additional information contact the System Manager.

NO5520-4

SYSTEM NAME:

NIS Investigative Files System

SYSTEM LOCATION:

Primary System-NIS Records Management Division Administration Department, NIS Headquarters, P.O. Box 16230, Suitland Md. 20746

Decentralized Segments - Naval Investigative Service Regional Offices (NISROs) retain copies of certain segments of the investigative files, and related documentation for up to one year. Addresses of these offices are included in the directory of Department of the Navy mailing addresses. Naval Investigative Service Resident Agencies retain copies of investigative reports during pendency and for 90 days thereafter. They also retain evidence custody cards on persons from whom evidence was seized. The number and location of these Resident Agencies are subject to change in order to meet the requirements of the Department of the Navy. Current location may be obtained from Naval Investigative Service Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons in the following categories who require access to classified defense information prior to August 1972: Active and inactive members of the naval service, civilian personnel employed by

the Department of the Navy (DON), industrial and contractor personnel, civilian personnel being considered for sensitive positions, boards, conferences, etc., civilian personnel who worked or resided overseas, Red Cross personnel. Civilian and military personnel accused, suspected or victims of felonious type offenses, or lesser offenses impacting on the good order, discipline, morale or security of the DON. Civilian personnel seeking access to or seeking to conduct or operate any business or other function aboard a DON installation, facility or ship. Civilian or military personnel involved in the loss, compromise or unauthorized disclosure of classified material/information. Civilian and military personnel who were of counterintelligence interest to the DON.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system: Official Reports of Investigation (ROI) prepared by NIS or other federal, state, local or foreign law enforcement or investigative body on either hard copy or microfilm. NIS operations reports (NORs) and their predecessor NIS information reports (NIRs). NORs and NIRs document information received by NIS which is of interest to the naval services or other law enforcement or investigative bodies. The information may be of criminal, counterintelligence or general investigative interest.

General Administration Reports (GEN). Although no longer used as such, the Investigative Purpose of the GEN was to report the results of pre-employment inquiries on applicants for positions as special agents with NIS. The official ROI (above) is now used for this purpose.

Action, Lead Sheets (ALS's), investigative summaries, memoranda for the files and correspondence relating to specific cases and contained in the individual dossier.

Polygraph Data. A listing of persons who submitted to polygraph examination by NIS examiners. The data includes the examinee's name, location and results of the examination and the identity of the examiner.

Case Control and Management documents which serve as the basis for controlling and guiding the investigative activity.

Records identifying confidential sources and contacts with them. Index to persons reported by 'Name Only'.

Wiretap Data Records. Automated listing of persons who were subjects of wiretapping or eavesdropping operations.

Case Control and Narcotics Data Records. Automated records used only for statistical purposes in accounting for productivity, manhours expenditures; various statistical data concerning narcotics usage and used solely for statistical purposes.

Modus Operandi Files.

Screening Board Reports. These reports set forth the results of oral examination of applicants for a position as a Special Agent with the NIS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301
44 U.S.C. 3101
47 U.S.C. 605

Executive Memorandum of 26 June 1939; Investigations of espionage, counterespionage and sabotage matters.

Executive Order 12036; United States Intelligence Activities; SECNAVINST 5520.3, criminal and security investigations and related activities within the Dept of the Navy; DOD Dir 5210.8, policy on investigation and clearance of DOD Personnel for access to defense information; DOD Dir 5200.26, defense investigative program; DOD Dir 5200.27, acquisition of information concerning persons and organizations not affiliated with the Dept of Defense; and DOD Dir 5200.24, telephone interception and eavesdropping, and SECNAVINST 3820.2D, investigative and counterintelligence collection and retention guidelines pertaining to the DON.

PURPOSE(S):

The information in this system is (was) collected to meet the investigative, counterintelligence and security responsibilities of the DON. This includes personnel security, internal security, criminal and other law enforcement matters all of which are essential to the effective operation of the department.

The records in this system are used to make determinations of: suitability for access or continued access to classified information, suitability for employment or assignment, suitability for access to military installations or industrial firms engaged in government projects/contracts, suitability for awards or similar benefits; use in current law enforcement investigation of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; insurance claims including workmens compensation; provide protective services under the DOD Distinguished Visitor Protection

Program and to assist the U.S. Secret Service in meeting its responsibilities; used for public affairs or publicity purposes such as wanted persons, etc.; referral of matters under their cognizance to federal, state or local law enforcement authorities including criminal prosecution, civil court action or regulatory order; advising higher authorities and naval commands of the important developments impacting on security, good order or discipline; reporting of statistical data to naval commands and higher authority; input into the Defense Central Index of Investigations.

Users of the records in this system include employees of the NIS who require access for operational, administrative or supervisory purposes; DOD criminal investigative, investigative and intelligence units; DOD components making suitability determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To law enforcement or investigatory authorities for law enforcement purposes.

To federal intelligence/counterintelligence agencies of matters under their purview.

To foreign government organizations of criminal and counterintelligence information necessary for the prosecution of justice, or for mutual security and protection.

To other investigative units (federal, state or local) for whom the investigation was conducted, or who are engaged in criminal investigative and intelligence activities; federal regulatory agencies with investigative units.

To defense counsel in the course of acquiring information.

To officials and employees of the National Archives for historical purposes.

To commercial insurance companies in those instances in which they have a legitimate interest in the results of the investigation, but only to that extent and provided an unwarranted invasion of privacy is not involved.

To victims of crimes to the extent necessary to pursue civil and criminal remedies.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, on cards and on microfilm. Automated records on magnetic tape.

RETRIEVABILITY:

NIS permanent files are filed by terminal digit number. In order to locate the file it is necessary to query the Defense Central Index of Investigations (DCII) computer using the name of the subject and at least one other personnel identifier such as date of birth, place of birth, social security number or military service number. Files may also be retrieved by a case control number assigned at the time the investigation is initiated. Copies of the files in the NISROs and Resident Agencies are retrieved by name.

SAFEGUARDS:

NIS investigative files (permanent and temporary) are maintained and stored in open shelves and filing cabinets located in secured areas accessible only to authorized personnel. Dated files are retired to the Washington National Records Center where retrieval is restricted to NIS authorized personnel.

RETENTION AND DISPOSAL:

Retention of completed NIS Investigative files on Personnel Security Investigations (PSI's) is authorized for 15 years unless adverse information is developed, in which case they may be retained for 25 years. PSI files on persons considered for affiliation with DOD will be destroyed within one year if the affiliation is not consummated. Special Agent applicant records are retained for one year if the applicant declines offer of employment and five years if the applicant is rejected for employment. Criminal files are retained for 25 years. Major investigations of a counterintelligence/security nature, of espionage or sabotage, may be retained permanently. Certain of the above records, when found to have possible historical value, may be offered to the National Archives for continued retention. Counterintelligence records on persons not affiliated with DOD must be destroyed within 90 days or one year under criteria set forth in DOD Directive 5200.27, unless retention is required by law or specifically approved by the Secretary of the Navy. Files retained in the NISRO's and resident agencies are temporary and are destroyed after 90 days or one year, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Naval Investigative Service has ultimate responsibility for all NIS file holdings. Management of NIS permanent files is the direct responsibility of the Head Administration Department. NISRO Commanding Officers are responsible for files retained in their NISRO subordinate Resident Agencies.

NOTIFICATION PROCEDURE:

All requests relative to the retention and/or releasability of NIS investigative files should be addressed to the Director, Naval Investigative Service, P.O. Box 16230, Suitland, Md. 20764. Requests must contain the full name of the individual and at least one additional personal identifier such as date and place of birth, social security number or military service number. Personal visits by requesters should be confined to the Naval Investigative Service headquarters at the above address. It should be borne in mind that the vagaries of the automated indexing system might preclude a same day response. Persons submitting written requests must properly establish their identity to the satisfaction of the NIS. Where a question exists a signed, notarized statement or other certified form of identification will be required. Individuals appearing in person may present proof of identification in the form of military ID card, valid driver's license, or other suitable form of identification bearing a photograph and signature. Attorneys or other persons acting on behalf of a subject of a record must provide a notarized authorization from the subject of the record.

RECORD ACCESS PROCEDURES:

Individuals may make inquiries relative to NIS records maintained on them thru the NIS Information and Privacy Coordinator Naval Investigative Service Headquarters, at the address specified in the previous paragraph.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

See EXEMPTION.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552 a (j)(2) and (k)(1), (k)(3), (k)(4), (k)(5), and (k)(6) as applicable. For additional information, contact the System Manager.

N05521-1**SYSTEM NAME:**

Access control system

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals considered or seeking consideration for access to space under the control of the Department of the Navy and any visitor (military, civilian, contractor) requiring access to a naval base/activity or contractor facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Visit requests for permission to transact commercial business, visitor clearance data for individuals to visit a naval base/activity/contractor facility; barring lists and letters of exclusion, and badge/pass issuance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations and E.O. 9397.

PURPOSE(S):

To maintain all aspects of proper access control, to replace lost badges, to retrieve passes upon separation, to maintain visitor statistics and background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To designate contractors when Navy member is visiting that contractor's facility.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05521-2**SYSTEM NAME:**

Commonwealth Pass Application Form

SYSTEM LOCATION:

U.S. Naval Communication Station
FPO San Francisco 96680

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel requiring access to the Commonwealth property on which the Naval Communication Station is located.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed application forms for Commonwealth passes. Contains name, rank, organization, height, color of hair, color of eyes, date of birth and place of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Arrangements for the use and occupation by the United States Navy of Commonwealth land and for associated matters.

PURPOSE(S):

To issue passes for entry to Naval Communication Station.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Locked cabinet - limited access.

RETENTION AND DISPOSAL:

Duration of individual's stay in area.
Destruction by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, U.S. Naval Communication Station.

NOTIFICATION PROCEDURE:

Individual initiates record and may request information. Security Officer, U.S. Naval Communication Station, information requester must provide: full name, official title, purpose of inquiry. Office to be visited: Security Office, U.S. Naval Communication Station. Proof of identity: visual recognition or identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05527-1**SYSTEM NAME:**

Security Incident System

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in or witnessing incidents requiring the attention of base, station, or activity security personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident/complaint report, investigator's report, military magistrate's records, confinement

records, traffic accident and violation records, traffic court file, citations to appear before U. S. Magistrate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

Used by command legal personnel for prosecution of military offenses and other administrative actions; support of insurance claims and civil litigation, revocation of base, station, or activity driving privileges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Federal Bureau of Investigation for further criminal investigations or court actions.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (j)(2) as applicable. For additional information contact the System Manager.

N05527-2

SYSTEM NAME:

Security inspection and violation system

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in security violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security violation reports, security inspection reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To identify problem areas in security indoctrination, to alert command management officials to areas which present larger than normal security problems and identify personnel who are cited as responsible for non-compliance with procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05527-3

SYSTEM NAME:

Naval Educational Development

SYSTEM LOCATION:

Chief of Naval Education and Training
Naval Air Station Pensacola, FL 32508

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Formal/Informal investigations, inquiries conducted as directed by CNET and higher authority

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations, inquiries

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

To provide CNET and higher authorities with subsequent information involving each formal/informal inquiry.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Name, grade, title, position

SAFEGUARDS:

Stowed in 3-tumbler safe; access to authorized personnel only

RETENTION AND DISPOSAL:

Per Records Disposal Instructions

SYSTEM MANAGER(S) AND ADDRESS:

Staff Inspector General and his immediate staff

NOTIFICATION PROCEDURE:

Information is available to individuals but is restricted to the extent that the source of the information is not revealed.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Multitude of sources as determined by the scope of the investigation, inquiry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05527-4

SYSTEM NAME:

Naval Security Group Personnel Security/Access Files

SYSTEM LOCATION:

The central record system is located at:

Commander, Naval Security Group Command
3801 Nebraska Ave., N.W.,
Washington, D.C. 20390

Duplicates of portions of records may be held by other Naval and Marine Corps activities served by a Naval Security Group Special Security Officer. Records pertaining to Naval and Marine Corps military personnel who were considered but not selected for assignment to the Naval Security Group while undergoing recruit training are located at one of the following locations:

Resident in Charge
Naval Security Group Field Office
Marine Corp Recruit Depot
Parris Island, South Carolina 29905
Resident in Charge
Naval Security Group Field Office
Naval Administrative Command
Naval Training Center,

Great Lakes, Illinois 60088

Resident in Charge
Naval Security Group Field Office
Naval Training Center

San Diego, California 92133

Resident in Charge
Naval Security Group Field Office
Naval Training Center

Orlando, Florida 32813

Resident in Charge
Naval Security Group Field Office
Naval Technical Training Center, Corry

Station
Pensacola, Florida 32511

Station
Pensacola, Florida 32511

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval and Marine Corps military and civilian personnel assigned to or employed by the Naval Security Group, including the Reserve components thereof, or who have been considered for such assignment or employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file may contain personal history information, investigative reports, security suitability reports, incident reports, and other data pertinent to determination of eligibility for access to Sensitive Compartmented Information (SCI), including the decisions made in each case. The file also contains records of authorized access to classified information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450 Eisenhower Security Program

E.O. 12356 National Security Information

PURPOSE(S):

Information is collected and used by SCI security personnel for the purposes of determining the individual's eligibility for access to SCI information, of maintaining a record of the degree(s) to which access to SCI has been authorized, and of determining the extent, if any, to which controls must be exercised to prevent the compromise of SCI through hostile foreign intelligence activity.

Information may be released to officials and employees of the Defense Intelligence Agency, Army Security Agency, Air Force Security Service, and the Defense Industrial Security Clearance Office to determine the individual's eligibility for access to classified information under the user Agency's cognizance.

Information may be disseminated to the Defense Investigative Service and the Naval Investigative Service to conduct investigations on which to base SCI eligibility decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the National Security Agency, Central Intelligence Agency, and White House Communications Agency for the purpose of determining the individual's eligibility for access to classified information under the user agency's cognizance.

To the Central Intelligence Agency to maintain an index of personnel who have been granted access to certain sensitive intelligence programs.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, microfilm, and magnetic tape.

RETRIEVABILITY:

By name and SSN.

SAFEGUARDS:

Approved security areas with alarms and guards. Access is limited to assigned personnel who have been found eligible for access to SCI and received specific instruction in the handling, security, and dissemination policy of information in the files.

RETENTION AND DISPOSAL:

Central record system retained for thirty years after last action. Records held at Naval Security Group Field Offices forwarded to central system after two years. Records retained in central record system and destroyed by burning, shredding, degaussing or chemical destruction at end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Security Group Command 3801 Nebraska Ave., N.W. Washington, D.C. 20390

NOTIFICATION PROCEDURE:

- Send request to SYSMANAGER
- Full name, date and place of birth, military status, social security number (if voluntarily included) or service number.
- Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Ave., N.W., Washington, D.C. 20390 who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester.

d. Scheduled visitors must be prepared to present adequate proof of identification i.e. combination of full name, date and place of birth, parent(s) name, drivers license, medicare card, military identification card if applicable.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

In addition to information furnished by the individual himself, files contain information furnished by federal investigative agencies, other SCI security organizations, and reports submitted by Naval Security Group Special Security Officer. Files also include administrative correspondence among associated personnel and security offices of the executive branch.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1) through (5), as applicable. For additional information contact the System Manager.

NO5527-5

SYSTEM NAME:

Navy Central Clearance Group (NCCG) Records

SYSTEM LOCATION:

Naval Civilian Personnel Command, (Code 23), Department of the Navy, 800 N. Quincy St., Arlington, VA. 22302.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Incumbent and former civilian employees in and applicants for sensitive and nonsensitive positions at Department of the Navy appropriated fund activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are comprised of (1) reports and other investigative material and information developed by investigations conducted by Federal investigative agencies pursuant to statute and executive order; (2) reports of arrest, criminal activity and their disposition; (3) results of the review of the reports by the NCCG, including the security or suitability determination made on the case; (4) copies of correspondence regarding the case and/or reflecting the determination made by

the NCCG; and (5) an index file card on each case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Executive Order 10450 (as amended), 'Security Requirements for Government Employment'. (2) 5 USC 7532, 'Suspension and Removal'.

PURPOSE(S):

The records are maintained to meet the statutory requirements of 5 USC 7532 and E.O. 10450 which require the establishment and maintenance of an effective program to insure that the employment and retention in employment of any civilian officer or employee within the Department is clearly consistent with the interest of the national security and which require adjudication and readjudication of the information as appropriate, and to have the material furnished by the Office of Personnel Management, readily available for return to the OPM upon request. Upon receipt of investigative reports and security information on civilian employees and applicants, the NCCG reviews the material. The Naval Civilian Personnel Command, Personnel Security Branch then transmits the material to the employing activity with a letter or stamped endorsement apprising the command of the security determination made by the NCCG. During the period that the reports and documents are at an activity, the material is under the custody of the activity's Security Manager. Following the review of the material by the activity's commanding officer or his/her designee, the material is returned to the source from which received, if required; retained until the employee is separated, or destroyed if it is of no further value. If the employing activity determines that an adverse action against the employee is warranted based on information in the report, appropriate action in accordance with Office of Personnel Management suitability procedures is initiated by the activity. In some cases the NCCG will make a suitability determination. Other users of the records may include members of Security Hearing Boards and officials and employees of the Department of the Navy in performance of their official duties related to the Department of the Navy Civilian Personnel Security Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of

the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders and on file cards

RETRIEVABILITY:

Name (last, first, middle) and date of birth.

SAFEGUARDS:

Records maintained in GSA approved security containers accessible only to authority employees of NCPC Security Branch who are properly screened and trained and who have proper security clearance.

RETENTION AND DISPOSAL:

Records with the exception of the index file card are retained in active file until end of third calendar year following last entry and then retired to the National Personnel Records Center, Suitland, Md. Index cards are retained in active file until destroyed. Records are destroyed in accordance with DOD NCI-330-76-1 of 3 May 1976.

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Naval Civilian Personnel Command (NCPC), 800 N. Quincy St., Arlington, VA. 22203.

NOTIFICATION PROCEDURE:

Written requests should be addressed to the Director, Naval Civilian Personnel Command, (Code 23), Department of the Navy, 800 N Quincy St, Arlington, VA 22203. The letter should contain the full name, date and place of birth, and social security number of the requester and his signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Investigation results and information provided by appropriate investigative agencies of the Federal Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(1) and (5), as

applicable. For additional information contact the System Manager.

N05760-1

SYSTEM NAME:

Biographical and Service Record Sketches of Chaplains

SYSTEM LOCATION:

Office of the Chief of Chaplains, Department of the Navy, Washington, DC 20370

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy chaplains who have served on extended active duty at some time during the period 1778-1981 inclusive, and any future editions. It lists the names, years in which they were commissioned, and the ecclesiastical affiliations of all who held chaplaincy commissions during the period.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and professional summary which includes individual's full name, denomination of faith group, date and place of birth, education, ordination, date of marriage and name of spouse, first names of children, prior professional experience, authorship, prior military service (including date of commission, date of rank at commissioning, ships/stations, places and dates; and period spent, if any, in Inactive Reserve), date of augmentation (if applicable), promotion history, awards and decorations, conclusion of active duty (date of resignation, release from active duty, or retirement as applicable), post active duty career (retirees only), and distinctions which have made the chaplains career interesting or unusually significant (corroborative material suggested).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To provide background data in response to news media requests; to provide information on individual chaplains prior to public appearances in which they are scheduled to appear; to provide internal release of information as required.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in bound and published volumes. Source materials are in paper files.

RETRIEVABILITY:

Data is indexed alphabetically by individual names and made available upon written request.

SAFEGUARDS:

Files are locked after official working hours.

RETENTION AND DISPOSAL:

Forms and documents are destroyed after five years from the date of publication. The volumes are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chaplain Corps Historian, Office of the Chief of Chaplains, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager or authorized representative upon written request signed by the listed individual. The full name of the individual should be given. Individuals making inquiry in person must present personal identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from returned questionnaires addressed to individual chaplains, supplemented by Officer Data Cards and historical research.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05800-1

SYSTEM NAME:

Legal Office Litigation/Correspondence Files

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy Activities. Official mailing addresses are

listed in the Navy's address directory appended to this publication.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Criminal and civil plaintiffs/defendants involved in litigation against or involving the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements, affidavits, correspondence, briefs, petitions, court records involving litigation and related matters

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 28, USC; Executive Order 10561; 5 USC 301; 10 USC 801-940

PURPOSE(S):

To prepare correspondence and materials for litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets

RETRIEVABILITY:

Case citation, name of individual

SAFEGUARDS:

Locked in executive spaces

RETENTION AND DISPOSAL:

Most are retained permanently, others disposed of in accordance with Defense Disposal Manual

SYSTEM MANAGER(S) AND ADDRESS:

Associate General Counsel (Litigation), Washington DC 20360.

NOTIFICATION PROCEDURE:

Direct inquiry to SYSMANAGER, providing name, rank/rate/shop or badge number and social security number

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager

RECORD SOURCE CATEGORIES:

Court records, personal interviews and statements, departmental records, State and Federal records, police reports and complaints, general correspondence

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information contact the System Manager.

N05800-2

SYSTEM NAME:

Legal Records System

SYSTEM LOCATION:

Commanding Officer
Naval Regional Medical Center
San Diego, CA 92134

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, visitors, staff and employees of Naval Regional Medical Center, San Diego, CA 92134.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports and in-house investigations; records of Commanding Officer's Nonjudicial Punishment and appeals thereof; files of litigation and potential litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Federal Tort Claims Act; Medical Care Recovery Act; Article 15, UCMJ.

PURPOSE(S):

Some are protected by attorney-client relationship, and thus are not released without consent of client or used in any way other than original purpose. Incident reports used for internal administration of Medical Center (to correct errors and improve procedures) and to notify attorney of incidents having a potential for legal action. In-house investigations used to prepare for litigation. Records of NJP used in administering Article 15, UCMJ, punishment and for referral to Military Personnel System (for performance evaluation, administrative separation, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, forms, letters.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Available to staff of Staff Judge Advocate (three persons) on a 'need to know' basis only. Otherwise, maintained in locked cabinets and/or in locked rooms.

RETENTION AND DISPOSAL:

Retained as required; destroyed or moved to National Personnel Records Center, St. Louis, MO, as directed by Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate
Naval Regional Medical Center
San Diego, CA 92134

NOTIFICATION PROCEDURE:

Individuals can determine whether the system contains records pertaining to them by writing or visiting the System Manager and supplying full name, SSN, military status, approximate date of contact with system (if known).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Investigative reports (as from JAG Manual investigations, Office of Naval Intelligence reports, Security System, etc.), Military Personnel System, medical records, personal interviews, personal observation, reported by persons witnessing or knowing of incidents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05801-1

SYSTEM NAME:

Legal Services Management Information System

SYSTEM LOCATION:

Typically maintained at Naval Legal Service Offices, the Naval Legal Service Branch Offices, and any command with a legal assistance office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Servicemembers who are pending courts-martial. Authorized military and civilian personnel and dependents who have sought legal assistance, advice or counseling or other representational services from Naval Legal Service Offices or Detachments and any command with a legal assistance office.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Legal Assistance Card Files. Legal assistance card files typically contain client identification information, e.g., name, address, duty station, telephone numbers, etc., client description of legal problem, attorney classification of problem, and attorney time expended. (2) Case Analysis and Tracking System (CATS). CATS records contain identification information about the individual being courts-martialed such as name; rank/rate; service number; organizational information, such as Convening Authority and Supervisory Authority; information relevant to internal management of the Legal Service Office, such as dates of receipt, docketing, trial, and transcript completion; identities of counsel and military judge; information on the charges alleged, charges of which convicted, if any, sentence adjudged; and other information describing overall case management and processing.

(3) Legal Assistance and Personal Representation Client Records: File contains ID information about the individual seeking legal advice such as name, address, duty station, telephone number, type of assistance requested, results of any hearing involved, and attorney time expended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Manual of the Judge Advocate General; 44 U.S.C. 3101

PURPOSE(S):

Attorneys and clerical personnel directly involved in processing courts-martials, and rendering legal assistance and advice within the Naval Legal Service Offices and Detachments and legal assistance offices established within the Department of the Navy. Data will be used for the internal management of the Naval Legal Service Offices and legal assistance offices such as court scheduling and counsel assignment information, and generating monthly workload productivity and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Pre-printed cards stored in file cabinets; case files are stored on magnetic disk. Reports extracted from this data may be stored temporarily in paper files.

RETRIEVABILITY:

Card files maintained by the legal assistance offices are retrieved by name of client. Case files maintained by the Naval Legal Service Offices are retrieved by an internal case number and secondarily, by name of individual.

SAFEGUARDS:

Manual records/cards are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

Data disks are secured in areas accessible only by authorized personnel. Additionally, data disks are unreadable without the program disks, as an added security precaution.

RETENTION AND DISPOSAL:

Records are retained for two years after completion of the case, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332, for legal assistance card files.

Deputy Assistant Commander, Naval Legal Service Command (Management and Plans), 200 Stovall Street, Alexandria, Virginia 22332, for case files.

NOTIFICATION PROCEDURE:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e. full name, etc.); the written request must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager.

Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Basic information contained in the card files is provided by the client. Basic information contained in the court-martial files is provided by the Convening Authority for the court-martial, the attorneys and military judge assigned to the case, and administrative personnel assigned to the Naval Legal Service Office. Information regarding the ultimate disposition of the matter is provided by the attorney rendering the service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05802-1

SYSTEM NAME:

Fiduciary Affairs Records

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty, fleet reserve, and retired members of the Navy and Marine Corps who have been medically determined to be mentally incapable of managing their financial affairs, their appointed or prospective trustees, and members' next-of-kin.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains proceedings of medical boards, documentation indicating the origin of the mental incapability, the name(s) and address(es) of the individual's next-of-kin, the disability retirement index, a copy of the interview(s) of prospective trustee(s), the appointment of the approved trustee, authority to pay the individual's retirement pay to the approved trustee, the instructions of duties and responsibilities to the trustee, annual trustee accounting reports, copy of the trustee's surety bond, a copy of

the affidavit executed by the trustee to obtain the surety bond, miscellaneous correspondence relating to the trustee's duties and responsibilities, annual approvals of the trustee account, discharge(s) of trustee, release(s) of surety, periodic physical examinations, medical records, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 37 U.S.C. 601-604; 44 U.S.C. 3101

PURPOSE(S):

To provide non-judicial financial management of military pay and allowances payable to active duty, fleet reserve, and retired Navy and Marine Corps members for the period during which they are medically determined to be mentally incapable of managing their financial affairs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Justice when there is reason to suspect financial mismanagement and no satisfactory settlement with the surety can be reached.

To officials and employees of the Veterans Administration in connection with programs administered by that agency.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

By name of the member or by name of the trustee.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Indefinitely; however, after the death of a member, his/her files are typically transferred to the Federal Records Center, Suitland, Maryland, 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General
(Civil Law) Office of the Judge Advocate
General Department of the Navy 200
Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained by
written request which adequately
identifies the system of records and the
individual about whom the record is
kept (i.e., full name); written requests
must be signed by the requesting
individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to
records may be obtained from the
system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting
contents and appealing initial
determinations by the individual
concerned may be obtained from the
system manager.

RECORD SOURCE CATEGORIES:

Components within the Department of
the Navy, medical doctors, approved
trustees, prospective trustees, surety
companies, and Veterans
Administration.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

None.

N05810-1

SYSTEM NAME:

Article 138 Complaint of Wrongs

SYSTEM LOCATION:

Office of the Judge Advocate General
(Code 13), Department of the Navy, 200
Stovall St., Alexandria, Va. 22332.
Complaints, three years old or older, are
stored at the Federal Records Center,
Suitland, Maryland 20409.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Active duty Navy and Marine Corps
personnel who have submitted
complaints of wrong pursuant to Article
138, UCMJ, which have been forwarded
to the Secretary of the Navy for final
review of the complaint and the
proceedings had thereon.

CATEGORIES OF RECORDS IN THE SYSTEM:

The complaint and all proceedings
had thereon.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

Article 138, Uniform Code of Military
Justice, (10 U.S.C. 938).

PURPOSE(S):

Used by JAG as a working file to
review and make recommendations to
the Secretary of the Navy on Article 138
complaints.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

The Blanket Routine Uses that appear
at the beginning of the Department of
the Navy's compilation apply to this
system.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order
according to last name of the individual
concerned.

SAFEGUARDS:

Files are maintained in file cabinets
and other storage devices under control
of authorized personnel during working
hours; the office spaces in which the file
cabinets and storage devices are located
is locked outside office working hours.

RETENTION AND DISPOSAL:

Complaints are maintained in office
for three years and then forwarded to
the Federal Records Center, Suitland,
Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General
(Civil Law), Office of the Judge
Advocate General, Department of the
Navy, 200 Stovall St., Alexandria, Va.
22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the
Deputy Assistant Judge Advocate
General (Administrative Law), Office of
the Judge Advocate General,
Department of the Navy, 200 Stovall St.,
Alexandria, Va. 22332. Information may
be obtained by written request to the
Judge Advocate General stating full
name and the approximate date the
complaint was submitted for review if
known. Written requests must be signed
by the requesting individual. Personal
visits may be made to the
Administrative Law Division, Office of
the Judge Advocate General, Room
9N03, Hoffman Bldg II, 200 Stovall St.,
Alexandria, Va. 22332. Individuals
making such visits should be able to
provide some acceptable identification,
e.g. armed forces identification card,
driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to
records may be obtained from the
system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting
contents and appealing initial
determinations by the individual
concerned may be obtained from the
system manager.

RECORD SOURCE CATEGORIES:

The records are comprised of the
following source materials: (1) complaint
of wrongs; (2) results of examination
into complaint of wrongs by the general
court-martial authority; and (3) final
review action by the Secretary of the
Navy.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

None.

N05810-2

SYSTEM NAME:

Military Justice Correspondence File

SYSTEM LOCATION:

Office of the Judge Advocate General
(Code 20), Department of the Navy, 200
Stovall St., Alexandria, Va. 22332.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Active duty, retired, and discharged
Navy and Marine Corps personnel who
were the subject of military justice
proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copy of incoming
correspondence, all background
material necessary to answer the
correspondence and copies of letters
replying to the correspondence.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

5 USC 301

PURPOSE(S):

To provide a record of individual
inquiries and JAG responses concerning
military justice related matters for
reference purposes.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

The Blanket Routine Uses that appear
at the beginning of the Department of
the Navy's compilation apply to this
system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Correspondence is kept in alphabetical order according to the last name of the individual who is the subject of the correspondence.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (military justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces' identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records of trial and correspondence from commands and agencies involved

in the matter which is the subject of the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

N05810-3

SYSTEM NAME:

Appellate Case Tracking System (ACTS)

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have their appellate case reviewed by the Navy-Marine Corps Court of Military Review and/or the Court of Military Appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Naval appellate case records; additional Navy appellate case information records; and historical Navy appellate case records. Files contain personal information such as name, rank, social security number, etc., and specific information with regard to the Navy appellate cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 866, 867, and 5031.

PURPOSE(S):

To track the status of courts martial cases appealed to the Navy Marine Court of Military Review and Court of Military Appeals. The system will also be used by the officials and employees of the Department of the Navy to provide management and statistical information to governmental, public, and private organizations and individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and on hard copy forms.

RETRIEVABILITY:

ACTS users obtain information by means of a query or a request for a standard report. Data may be indexed by any data item although the primary

search keys are the name, social security number of Navy-Marine Corps Court of Military Review docket number.

SAFEGUARDS:

Access to building is protected by uniformed guards requiring positive identification for admission after hours. The system is protected by the following software features: user account number and password sign-on, data base access authority, data set authority for add and delete, and data item authority for list and update.

RETENTION AND DISPOSAL:

An individual's record is retained on disk and will be available for on-line access for twenty-five years after the close of the individual's case. The record will be purged to magnetic tape after twenty-five years and will be utilized in a batch processing mode.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Claims Defense/ADP Programs, Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual's record of trial and supporting documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05813-1

SYSTEM NAME:

Ethics file.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military lawyers authorized to practice before a court-martial or Navy Court of Military Review and who by their personal or professional conduct have demonstrated that they are so lacking in competency, integrity or ethical or moral character as to be unacceptable as counsel before a court-martial or Navy Court of Military Review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, correspondence, and court papers relating to the complaint brought against attorneys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Manual of the Judge Advocate General, section 0142, and 5 USC 301.

PURPOSE(S):

To provide a record of individual lawyers who are not authorized to practice within the military justice system and to document ethics violations for future suspension/revocation of certification in order to protect the integrity of the judicial system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order according to the last name of the attorney concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the

Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence from military judges, staff judge advocates, judge advocates, and other military personnel; correspondence from the Judge Advocates General of other branches of the Armed Forces; investigative reports from Naval Investigative Service offices; correspondence and copies of court papers from civilian authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05813-2

SYSTEM NAME:

Courts-Martial Case Report

SYSTEM LOCATION:

Chief, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, D.C. 20374

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals having appeared before a special or general court-martial within the preceding two fiscal years.

CATEGORIES OF RECORDS IN THE SYSTEM:

The recording of the Article violation of the UCMJ, the plea, the finding, the sentence and other related information concerning the trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

PURPOSE(S):

To formulate status reports for the JAG.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored in file folders by circuit and fiscal year

RETRIEVABILITY:

By name or case number

SAFEGUARDS:

Personnel screening, visitor control

RETENTION AND DISPOSAL:

Two fiscal years. They are not moved to Record Centers but are disposed of after two fiscal years in the same manner as all other unclassified material, i.e., general destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Circuit Military Judge
ATLANTIC Judicial Circuit
Navy-Marine Corps Trial Judiciary
Washington Navy Yard
Washington, D.C. 20374

NOTIFICATION PROCEDURE:

Write to address listed under SYSMANAGER. Provide full name, branch of service, military status, where stationed when tried, and when tried

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial

determinations by the individual concerned may be obtained from the system manager

RECORD SOURCE CATEGORIES:

Military Judge of respective individual's court-martial

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05813-3

SYSTEM NAME:

General Courts-Martial Records of Trial.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Navy and Marine Corps personnel tried by general court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

General court-martial records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 865 and 5 USC 301.

PURPOSE(S):

To complete appellate review as required under 10 USC Section 869(a) and provide central repository accessible to the public who may request information concerning the appellate review or want copies of individual public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Files are kept by Navy court-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets

are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and date of trial of individual concerned). The written request must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Department of the Navy, Room 9S09, Hoffman Bldg, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Proceedings by a general court-martial.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05814-1

SYSTEM NAME:

Summary courts-martial and non-bad conduct discharge courts-martial--Navy and Marine Corps

SYSTEM LOCATION:

Records are retained for two years after final action by appropriate officers having supervisory authority over shore activities. Records are retained for three months after final action by appropriate officers having supervisory authority over fleet activities, including Fleet Air Wings and Fleet Marine Forces. After

the two years or three month retention period, as appropriate, the records are transferred to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps enlisted personnel tried by summary court-martial or by special court-martial which did not result in a bad conduct discharge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary court-martial and non-bad conduct discharge special court-martial records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 865, 5 U.S.C. 301, and Executive Order No. 11476 of June 19, 1969, as amended by Executive Order No. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

PURPOSE(S):

To complete appellate review as required under 10 U.S.C. Section 864(a) and provide central repository accessible to the public who may request information concerning the appellate review or want copies of individual public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Type of court-martial, date, command which convened the court-martial, name of individual defendant, and command which completed the supervisory authority's action.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are retained for two years after final action by officers having supervisory authority over shore activities, and for three months by officers having supervisory authority over fleet activities. At the termination of the appropriate retention period, records are forwarded for storage to the National Personnel Records Center, GSA (Military Personnel Records), 9700 Page Boulevard, St. Louis, Missouri 63132. Records are destroyed 15 years after final action has been taken.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332 and appropriate officers having supervisory authority over Naval activities.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332, by written request including the full name of the individual concerned, the type of court-martial (summary or special), the name of the command which held the court-martial, and the date of the court-martial proceedings. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification cards, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Proceedings of summary courts-martial and special courts-martial which did not result in a bad conduct discharge.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05815-1

SYSTEM NAME:

Special courts-martial resulting in bad conduct discharges or concerning commissioned officers.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel tried by special court-martial and awarded a bad conduct discharge, and all Navy and Marine Corps commissioned officers tried by special court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Special court-martial which resulted in a bad conduct discharge, or involving commissioned officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 865, 5 U.S.C. 301 and Executive Order No. 11476 of June 19, 1969, as amended by Executive Order No. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

PURPOSE(S):

To complete appellate review as required under 10 U.S.C. Section 866(b) and provide central repository accessible to the public who may request information concerning the appellate review or want copies of individual public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Files are kept by Navy court-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during

working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332, by written request stating full name, and date of trial of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. armed forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Special court-martial proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE.

N05817-1

SYSTEM NAME:

Courts-Martial Statistics.

SYSTEM LOCATION:

Magnetic tape held at Naval Command Systems Support Activity, Production Code 60.1, room 4002, building 196, Washington Navy Yard, Washington, D.C. 20360. Source document (NAVJAG 5813/1) held in Information and Reports Section, Office

of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel tried by general courts-martial and by special courts-martial when the special court-martial sentence as finally approved includes a punitive discharge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Court-martial information on special courts-martial if sentence as finally approved includes a punitive discharge and all general courts-martial including name, social security number, pleas, convening authority action, supervisory authority action, and Court of Military Review action. Information available from 1970 to present only.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

To collect statistical data on general and bad conduct discharge special courts-martials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To governmental, public and private organizations and individuals, as required.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and source documents (NAVJAG 5813/1) if file folders.

RETRIEVABILITY:

Name and social security number or Navy court-martial number.

SAFEGUARDS:

Tapes stored in secret vault. Without project code number, tape can neither be read nor added to. Only person who has code number is Project Code Officer. Source documents are filed in file cabinets which are located in an office which is under observation during working hours and is locked at night. The office is located in a secure building which is surrounded by a guarded fence. The building is guarded 24 hours a day, and admission is allowed only to personnel on official business and authorized visitors.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name, date of trial (if known), date of discharge and type of discharge of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to: The Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals must be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Form NAVJAG (Navy Judge Advocate General) 5813/1.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05819-1

SYSTEM NAME:

Article 69 Petitions

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel who were tried by courts-martial which were not reviewed by the Navy Court of Military Review and when such service member has petitioned the Judge Advocate General pursuant to Article

69, Uniform Code of Military Justice, for review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual service member's petition together with all forwarding endorsements and copy of action taken by the Judge Advocate General with supporting memorandum.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 69, Uniform Code of Military Justice (10 USC 869).

PURPOSE(S):

To complete appellate review as required under 10 U.S.C. Section 869(b) and provide central repository accessible to the public who may request information concerning the appellate review or want copies of individual public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are maintained in chronological calendar order with alphabetical cross-referencing system.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the

Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request to the Judge Advocate General stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The records comprise the following source materials: (1) petitions for relief, (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of court-martial (above information is omitted if petitioner is former service member), and (3) action of the Judge Advocate General on petition.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05819-2

SYSTEM NAME:

Article 73 Petitions for New Trial.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel who submitted petitions for new trial to the Judge Advocate General within two years after approval of their court-martial sentence by the convening authority but after their case had been reviewed by the Navy Court of Military Review or Court of Military Appeals, if appropriate.

CATEGORIES OF RECORDS IN THE SYSTEM:

The petition for new trial, the forwarding endorsements if the petition was submitted via the chain of

command, and the action of the Judge Advocate General on the petition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 73, Uniform Code of Military Justice, (10 U.S.C. 873).

PURPOSE(S):

To provide a record of individual petitions in order to answer inquiries from the individual concerned and to provide additional advice to commands involved when and if such petitions are granted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, Maryland 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332. Information may be obtained by written request stating full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Military Justice Division, Office of the Judge Advocate

General, Room 9S09, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Individuals should have the following items of identification: drivers license or military identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The records are comprised of the following source materials: (1) petitions for new trial; (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of court-martial (above information is omitted if petitioner is former service member); and (3) action of the Judge Advocate General on petitions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05819-3

SYSTEM NAME:

Naval Clemency and Parole Board files

SYSTEM LOCATION:

Naval Clemency and Parole Board, Ballston Tower 2, 801 North Randolph Street, Arlington, Va. 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members or former members of the Navy or Marine Corps whose cases have been or are being considered by the Naval Clemency and Parole Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains individual applications for clemency or parole, reports and recommendations thereon indicating progress in confinement or while awaiting completion of appellate review if not confined, or on parole; correspondence between the individual or his counsel and the Naval Clemency and Parole Board or other Navy offices; other correspondence concerning the case; the court-martial order and staff Judge Advocate's review; and a summarized record of the proceedings of the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 874(a), 952-954

PURPOSE(S):

The file is used in conjunction with periodic review of the member's or former member's case to determine whether or not clemency or parole is warranted. The file is referred to in answering inquiries from the member or former member or their counsel. The file is referred to by the Naval Discharge Review Board and the Board for Correction of Naval Records in conjunction with their subsequent review of applications from members or former members. The file is also used by counsel in connection with representation of members or former members before the Naval Clemency and Parole Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Folders are filed by name and social security number or service number.

SAFEGUARDS:

Files are kept within the Naval Clemency and Parole Board administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in the Naval Clemency and Parole Board's administrative office until all portions of the sentence have been completed and the discharge has been executed. After that the folders are sent to Washington National Records Center, 4205 Suitland Road, Suitland, MD. 20409

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Department of the Navy, 801 North Randolph Street, Arlington, Va. 22203

NOTIFICATION PROCEDURE:

Information may be obtained from the Naval Clemency and Parole Board, Room 905, Ballston Tower 2, 801 North Randolph Street, Arlington Va. 22203.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the file is obtained from the member or former member or from those acting in their behalf, from confinement facilities, from military commands and offices, from personnel service records and medical records, and from civilian law enforcement agencies or individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt under 5 U.S.C. 552a (j)(2) as applicable. For additional information contact the system manager.

N05820-1

SYSTEM NAME:

International Legal Hold Files

SYSTEM LOCATION:

U.S. Naval Legal Offices in a foreign country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, members of civilian component and their dependents who have had criminal charges lodged against them in a foreign country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized summaries and card files containing copies of legal documents received and filed relative to the case, statements, affidavits, handwritten notes, and other miscellaneous data about the particular case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

* Used by foreign civilian attorneys in representing the accused, by the accused's military advisor in seeking an expeditious settlement of the case; by

supervisory personnel in the performance of their official duties when monitoring the legal hold status of the individuals involved.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on magnetic tape, file folders and file cards.

RETRIEVABILITY:

Files are retrieved by name and ssn.

SAFEGUARDS:

Only personnel in International Law Department are authorized access. Building is kept locked when not occupied.

RETENTION AND DISPOSAL:

For computerized and manual records-retain on tape until the final outcome of each case, whether it be by final adjudication or out of court settlement and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer or head of the organization in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Requester can write to the system manager giving name, rate and service number. Military ID or any standard ID showing applicant's photo shall be sufficient for personal visits.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Foreign judicial system, accused, attorneys representing accused, military legal advisor, Provost Marshal's office, subject's commanding officer, witnesses, and the complainant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05822-1

SYSTEM NAME:

Otsu Prison Health and Comfort Items

SYSTEM LOCATION:Commander Fleet Activities, FPO
Seattle 98762**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have been imprisoned under Japanese Law and jurisdiction for various offenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of requests for, receipt of, and issues to of individuals imprisoned in Otsu Prison located in Yokosuka, Japan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations.

PURPOSE(S):

Used for billing armed services, other than Navy and Marine Corps for items of health and comfort issued to their personnel imprisoned. Billing is prepared in accordance with existing interservice support agreements (ISSAS). Additionally, file used to answer complaints in instances where prisoners contend they are not supported properly.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folder.

RETRIEVABILITY:

Alphabetically by surname. New individual files instituted with arrival of individual in prison. Previous files retrieved to semi-active for one year and thereafter destroyed without report.

SAFEGUARDS:

Files maintained in locked file cabinet in locked office.

RETENTION AND DISPOSAL:

Destroyed without report after two years.

SYSTEM MANAGER(S) AND ADDRESS:Commander Fleet Activities, FPO
Seattle 98762**NOTIFICATION PROCEDURE:**

Requests from individuals should be addressed to the SYSMANAGER listed above and provide, as a minimum, the following information: rank/ rate, full name, branch of service, social security number. Files maintained in logistics within command and requestors may visit this office for review of their files during normal working hours. Proof of identification limited to Armed Forces Identification Cards or Passports.

RECORD ACCESS PROCEDURES:

The agency's rule for access to record may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Prison Officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05830-1

SYSTEM NAME:

JAG Manual Investigative Records

SYSTEM LOCATION:Office of the Judge Advocate General
(Code 21) Department of the Navy 200
Stovall St. Alexandria, Va 22332**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any individual who participated in, who was involved in, who incurred an injury, disease, or death in, who was intoxicated (drugs or alcohol) during, before, or after, or who had an interest in any accident, incident, transaction, or situation involving or affecting the Department of the Navy, naval personnel, or any procedure, operation, material, or design involving the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain all documented evidence relevant to the item under investigation, together with an investigating officer's report, which makes findings of fact and expresses opinions and recommendations, the reviewing authority's actions which either approved or modified the investigating officer's report or returned the entire record for further

investigation or remedial action to perfect the record, and, the results of hearings afforded persons who incurred injuries and diseases, to allow them to explain or rebut adverse information in the record. The Judge Advocate General's correspondence to locate and obtain required investigations is also included in the record. Some records contain only a field command's explanation as to why investigation is not required, together with documents pertinent to this lack of requirement. Some records contain only an accident, injury, or death report, prepared for the Department of the Navy by the Army, Air Force, Coast Guard, or other agency under reciprocal agreements, in situations where the Navy or Marine Corps could not conduct the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Requirement that enlisted men make up time lost due to misconduct or abuse of alcohol or drugs (10 U.S.C. 972(5)); retirement or separation for physical disability (10 U.S.C. 1201-1221); Executive Order 11476, Manual for Court-Martial, par. 133b; Uniform Code of Military Justice, 10 U.S.C. 815, 832, 869, 873, 935, 936, and 938-940; Military Claims Act (10 U.S.C. 2733); Foreign Claims Act (10 U.S.C. 3724, 2734a, 2734b); Emergency payment of claims (10 U.S.C. 2736); Non-scope claims (10 U.S.C. 2737); Duties of Secretary of the Navy (10 U.S.C. 5031); Duties of the Office of the Chief of Naval Operations (10 U.S.C. 5081-5082, 5085-5088); Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General (10 U.S.C. 5131-5153); Duties of the Commandant of the Marine Corps (U.S.C. 5201); Reservist's disability and death benefits (10 U.S.C. 6148); Requirement of exemplary conduct (10 U.S.C. 5947); Promotion of accident and occupational safety by Secretary of the Navy (10 U.S.C. 7205); Admiralty claims (10 U.S.C. 7622-23); Public Vessels Act (46 U.S.C. 781-790); Suits in Admiralty Act (46 U.S.C. 741-752); Admiralty Extension Act (46 U.S.C. 740); Transportation Safety Act (49 U.S.C. 1901); Federal Tort Claims Act (28 U.S.C. 1346, 2671-2680); Financial liability of accountable officers (31 U.S.C. 82, 89-92); Military Personnel and Civilian Employee's Claims Act of 1964, as amended (31 U.S.C. 240243); Federal Claim Collection Acts (31 U.S.C. 71-75, 951-953); Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use (37 U.S.C. 802); Eligibility for certain veterans benefits (38 U.S.C. 105); Postal claims

(39 U.S.C. 712); Medical Care Recovery Act (42 U.S.C. 2651-2653); General authority to maintain records (5 U.S.C. 301); Records management by agency heads (44 U.S.C. 3101).

PURPOSE(S):

JAG Manual Investigative Records are used internally within the Department of the Navy as basis for evaluating procedures operations, material, and designs with a view to improving the efficiency and safety of the Department of the Navy; determinations concerning status of personnel regarding disability benefits, entitlements to pay during periods of disability, severance pay, retirement pay, increases of pay for longevity, survivors' benefits, and involuntary extensions of enlistments, dates of expiration of active obligated service and accrual of annual leave; determinations concerning relief of accountable personnel from liability for losses of public funds or property; determinations pertaining to disciplinary or punitive action and evaluation of petitions, grievances, and complaints; adjudication, pursuit, or defense of claims for or against the Government; and public information releases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Veterans Administration for use in determinations concerning entitlements to veterans and survivors' benefits.

To Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds.

To the U.S. Government Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters.

To agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters.

To contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems.

To agencies of the Federal, State or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

The Blanket Routine Uses that appear at the beginning of the Department of

the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents stapled together (with real evidence, if any, attached) in paper file folders and stored in metal file cabinets, on shelves, and in cardboard boxes.

RETRIEVABILITY:

Records are filed in calendar year groupings by surname of individual, bureau number of aircraft, name of ship, hull number of unnamed watercraft, or vehicle number of Government vehicles. Incidents are topically cross-referenced.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located are locked outside official working hours.

RETENTION AND DISPOSAL:

The records are retained permanently. All naval activities which prepare JAG Manual Investigative Records, or which are intermediate addresses, typically retain duplicate copies in local files for a two-year period.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law) Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager. The request must contain the following: (a) an adequate description of the individual about whom the record is retained (e.g., full name, date of birth, etc.); (b) the calendar year to be searched, and the approximate date of the incident which was the subject of the investigation; (c) a signed and notarized statement of the identity of the requester; (d) the present mailing address of the requester, including ZIP code; (e) the present day-time telephone number of the requester, including area code; (f) the request must be signed by the individual. No telephone inquiries will be processed.

RECORD ACCESS PROCEDURES:

Requests from individuals for access should be addressed to the system manager. The request must include a signed and notarized statement of identity. Personal visits may be made to:

Office of the Judge Advocate General (Code 21) Investigations Division Room 8S23 Hoffman Bldg II 200 Stovall Street Alexandria, Va 22332

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records of JAG Manual Investigations are compilations of evidence, information, and data concerning the circumstances of incidents, accidents, events, transactions, and situations, prepared by administrative fact-finding bodies for utilization by proper authorities in making determinations, decisions, or evaluations relating to the matters under investigation. Records may contain: (1) testimony or statements of individuals who are parties to the investigations, witnesses, and others having pertinent knowledge concerning matters under investigation; (2) documentary evidence, typically including records and reports of military or Federal, State, or foreign, civilian law-enforcement investigative, judicial, or corrections authorities; medical records and reports, investigations and accident and injury reports prepared by Federal, State, or foreign governmental agencies or other organizations or persons; court records and other public records; official logs and other official naval records; letters and correspondence; personnel, pay, and medical records; financial records, receipts, and cost estimates; publications, and other pertinent documents and writings; (3) pertinent real evidence; and (4) pertinent demonstrative evidence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05861-1

SYSTEM NAME:

Private Relief Legislation

SYSTEM LOCATION:

Office of Legislative Affairs
Department of the Navy
Pentagon, Room 5C831
Washington, D.C. 20350

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals concerning whom private legislation is introduced in the U.S. Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters to Congressional Committees, expressing the views of the department concerning the legislation and records necessary to prepare the letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations

PURPOSE(S):

To prepare for Congress the position of the Department concerning proposed legislation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To members of Congress to provide the Navy position on proposed legislation.

To officials and employees of the Office of Management and Budget to clear the Navy position on proposed legislation.

To other executive agencies who would have an interest in the Navy's position on the proposed legislation and/or the Navy's position would impact on that agency.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders

RETRIEVABILITY:

Name

SAFEGUARDS:

Access generally limited to personnel of the Office of Legislative Affairs. Stored in a locked office.

RETENTION AND DISPOSAL:

Retained for at least 6 years or as long as the legislation is active if more than 6 years and then moved to Federal Records Center, GSA Accession Section, Washington, D.C. 20409

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Legislative Affairs
Department of the Navy
Pentagon, Room 5C831
Washington, D.C. 20350

NOTIFICATION PROCEDURE:

System Manager; Full name, term and session of Congress when bill introduced, bill number, sponsor of bill (if available); Office of Legislative Affairs, Department of the Navy,

Pentagon, Washington, D.C. Driver's license or similar substitute.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member of Congress; individual about whom file is maintained and individuals from whom he solicits information; other Navy, Marine Corps, and DOD components; OMB; and other interested executive agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05870-1

SYSTEM NAME:

Patent, Invention, Trademark, Copyright and Royalty Files

SYSTEM LOCATION:

Office of Naval Research, 800 North Quincy Street, Arlington, VA, 22217

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors and patent owners of inventions in which Government has an interest or which Department of the Navy has evaluated; copyright owners of works in which Government has an interest; and claimants or parties in administrative proceedings or litigation with the Government involving patents, copyrights or trademarks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention disclosures; disposition of rights in inventions of Government employees; patent applications and patented files; patent licenses and assignments; patent secrecy orders; copyright licenses and assignments; patent and copyright royalty matters; administrative claims and litigation with the Government involving patents, copyrights and trademarks including private relief legislation involving these matters; and documents and correspondence relating to the foregoing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5151

PURPOSE(S):

Used by Navy patent personnel to determine rights of the Government and

employees in employee inventions; to file and prosecute patent applications; to publish invention disclosures for public information and defensive purposes; to provide evidence and record of Government interest in or under patents or applications for patents; to provide evidence and record of patent and copyright licensing and assignment; to determine action or recommended action regarding disposition of claims or litigation; and to recommend Government employee incentive awards. Used by other Navy/Marine Corps commands to determine Government interest in inventions; to permit utilization of inventions; and to support employee incentive awards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the U.S. Patent and Trademark Office to determine respective rights of the Government and employee-inventors and to evidence legal interests in patent and copyright licenses and assignments; and for the prosecution of patent applications.

To the Commissioner of Patents and Trademarks to administer Patent Secrecy responsibilities.

To the Federal Council for Science and Technology as a source of statistical data for an annual report on Government patent policy.

To appropriate foreign government offices for prosecution of patent applications.

To officials and employees of the U.S. Copyright Office to evidence legal interests in patent and copyright licenses and assignments.

To the National Technical Information Service for publication of inventions available for licensing; non-governmental personnel (including contractors and prospective contractors) having an identified interest in particular inventions and Government rights therein, in infringement of particular patents or copyright, or in allowance of royalties on contracts.

To the Congress in the form of reports on particular bills for private relief and reports of action on Congressional and constituent requests.

To government agencies involved in claims or litigation, including the Department of Justice, who have access to prosecute and defend cases.

To all government agencies who have access to license records.

To parties involved in particular licensing arrangements who have access to specific files involved.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

Subject matter; Navy patent case number; name of inventor, patentee, copyright owner, claimant or correspondent.

SAFEGUARDS:

Maintained in safes and file cabinets in controlled spaces accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Maintained indefinitely but records are transferred to Federal Records Center two years after completed action on case to which record relates.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief for Patents, Code 300, Office of Naval Research, Arlington, VA, 22217

NOTIFICATION PROCEDURE:

Direct information requests to system manager.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual inventor, patent or copyright owner, claimant, licensor or licensee, or from U.S. Patent and Trademark Office, or from U.S. Copyright Office. Information on Government employee-inventors or copyright owners may be obtained from Government personnel records and from Government supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05880-1

SYSTEM NAME:

Federal Tort Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Offices of the Commandants of the Naval Districts, Naval Legal Service Offices, all overseas commands with a Navy Judge Advocate General Corps Officer or a Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands with which claims under the Federal Tort Claims Act are initially filed typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense Directory in the appendix to this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individuals who have filed claims against the Navy under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680); 32 C.F.R. 750.30-750.49; 5 U.S.C. 301; 44 U.S.C. 3101.

PURPOSE(S):

To evaluate claims for purposes of adjudication and litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files or portions thereof may be furnished to the claimant or his authorized representative, and for those claims for which payment is determined proper.

To third parties in those cases in which they indemnify the U.S. government or to verify claims.

To officials and employees of the Department of Treasury for those claims for which payment is determined proper.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Filed alphabetically by name of claimant.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General Department of the Navy, 200 Stovall St., Alexandria, Va., 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: x-rays and medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence

from claimants and their attorneys and insurance companies, state insurance commissions, United States Attorneys, and various other Government agencies with information concerning the claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N05880-2

SYSTEM NAME:

Admiralty Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General; Office of the Commander-in-Chief, United States Naval Forces, Europe; Office of the Commander, Sixth Fleet; and the Federal Records Center, Suitland, Maryland. Local commands with which claims under the Public Vessels Act and the Suits in Admiralty Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of the Navy directory of mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301; 44 U.S.C. 3101

PURPOSE(S):

Used in the administrative evaluation and settlement of admiralty claims asserted against the Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Justice to defend civil maritime suits brought against the U.S. The Blanket Routine Uses that appear at the beginning of the Department of

the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices

RETRIEVABILITY:

Filed alphabetically by name of claimant

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Records are retained in active files until each claim is settled or litigation resulting therefrom has been concluded. Thereafter, the files are maintained within the office for two years and then retired to the Federal Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports; witnesses; and correspondence from claimants and their representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-1

SYSTEM NAME:

Automated Claims Information System (ACIS)

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Va 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Department of the Navy under the Federal Tort Claims Act, the Foreign Claims Act, Military Claims Act, the 'Nonscope' Claims Act, Legislative Reorganization Act, or Military and Civilian Employees' Claims Act. All individuals who have filed claims with the U.S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U.S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 712. All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States. All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or are dependents of military members and have been provided medical care by a Naval medical facility for injuries resulting from such tortious conduct. All common carriers against whom recovery has been sought by the Department of the Navy. Any medical personnel involved in medical malpractice claims against the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, social security number, office processing the claim, dollar amount of claim, dollar amount paid, type of claim, type of property damage, type of personal injury, date of incident that caused the claim, date the

claim was presented to the Navy, date payment was made or claim was closed, amount claimed against individual, amount received from individual, location of incident, and medical personnel involved (if applicable), and government bill of lading (if applicable).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680); 32 CFR 750.30-750.49; Medical Care Recovery Act (42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 951-53); 32 CFR 757.1-757.21; Foreign Claims Act (10 U.S.C. 2734); 32 CFR 753.1-753.29; Military Claims Act (10 U.S.C. 2733); 32 CFR 750.50-750.59; "Nonscope" Claims Act (10 U.S.C. 2737); 32 CFR 750.60-750.69; Military and Civilian Employees Claims Act (31 U.S.C. 240-243); 32 CFR 751.0-751.3; Legislative Reorganization Act (10 U.S.C. 1552); Admiralty Claims Act (10 U.S.C. 7622); 39 U.S.C. 712; 5 U.S.C. 30; 5 U.S.C. 301; 44 U.S.C. 3101; and 31 U.S.C. 231.

PURPOSE(S):

To manage and process claims both for and against the Department of the Navy. The system will be used to report contingent liability to the GAO to satisfy requirements of the GAO Policy and Procedures Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Military Traffic Management Command in the performance of their official duties related to the Management of the Department of Defense personal property movement and storage program. The cognizant U.S. Attorney and/or officials and employees of the Department of Justice who are charged with responsibility for either initiating civil actions or defending civil actions arising under the aforementioned claims statutes, and for prosecuting civil or criminal cases under the False Claims Act (31 U.S.C. 231).

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy forms.

RETRIEVABILITY:

ACIS users obtain information by means of either a query or a request for a standard report. Data may be retrieved by any data item although the primary search keys are the name or social security number.

SAFEGUARDS:

Access to buildings are protected by uniformed guards requiring positive identification for admission after hours. The system is protected by the following software features: user account number and password sign-on, data base authority, set and item authority for list, add, delete and update.

RETENTION AND DISPOSAL:

An individual's record is retained on disk and will be available for on-line access for three years after the close of the individual's claim. The record will be transferred to magnetic tape after three years and will be utilized in a batch processing mode. After ten years, the record will be erased from the tape.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Claims Defense Program, Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Va 22332.

NOTIFICATION PROCEDURE:

Information should be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies and from offices processing claims.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N05890-2

SYSTEM NAME:

Affirmative Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Offices of the Commandants of the Naval districts; Naval Legal Service Offices, and Branch Offices of the Officers in Charge of U.S. Sending State Offices; overseas commands with a Navy or Marine Corps judge advocate attached; the Federal Records Center, Suitland, Maryland; and such other offices of officers as may be designated by the Judge Advocate General. Official mailing addresses of these locations are included in the Department of Defense Directory in the appendix of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or are dependents of military members and have been provided medical care by a Naval medical facility for injuries resulting from such tortious conduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files contain reports of injuries to individuals entitled to care at Navy expense, reports of damage to Navy property, x-rays, medical and dental records of treatment, and statements of charges therefor, military and municipal police and individual's reports of accidents, investigative reports, correspondence, legal research, and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Medical Care Recovery Act (42 U.S.C. 2651-53); Federal Claims Collection Act (31 U.S.C. 951-53); 32 CFR 757.1-757.21; 5 U.S.C. 301; 44 U.S.C. 3101.

PURPOSE(S):

To further efforts to collect such claims without litigation, for preparing litigation reports to the Department of Justice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insurance companies to support claims by documenting injuries or diseases for which treatment was provided at government expense.

To civilian attorneys representing the injured parties and the government's interests.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folder stored in file cabinets or other storage device.

RETRIEVABILITY:

Filed alphabetically by name of the individual.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rule for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in these files includes: military and local police reports, line of duty

investigations, commercial credit and asset reports, questionnaires completed by accident victims, x-rays, medical and dental records of treatment and statements of charges therefor from civilian and military doctors and medical facilities; correspondence; and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-3

SYSTEM NAME:

Foreign Claim Files

SYSTEM LOCATION:

Office of the Judge Advocate General; United States Sending State Office for Italy; United States Sending State Office for Australia; Naval Missions (including the office of the naval section of military missions); Military Assistance Advisory Groups (including the Offices of Chiefs, Naval Section, Military Assistance Advisory Groups); Office of the Naval Advisory to Argentina; naval attaches; any command which has appointed a Foreign Claims Commission; and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the Foreign Claims Act are initially filed and which do not have or choose to appoint a Foreign Claims Commission, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense directory in the appendix to this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Department of the Navy under the Foreign Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as foreign police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Foreign Claims Act (10 U.S.C. 2734); 32 CFR 753.1-753.29; 5 U.S.C. 301; 44 U.S.C. 3101

PURPOSE(S):

To adjudicate claims and to evaluate and decide reconsiderations of denials of claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The files or portions thereof may be furnished to the claimant or his authorized representatives.

For those claims for which payment is determined proper, the files or portions thereof may be provided to the Department of Treasury.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Filed alphabetically by name of claimant.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va., 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to

provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include: x-rays, medical records, and dental records; investigative reports from military and foreign police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants, their attorneys, and insurance companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO5890-4

SYSTEM NAME:

Military Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Offices of the Commandants of the Naval Districts, Naval Legal Service Offices and Branch Offices, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the Military Claims Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Defense directory in the appendix of this notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims under the Military Claims Act against the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Claims Act (10 U.S.C. 2733); 32 CFR 750.50-750.59; 5 U.S.C. 301; 44 U.S.C. 3101

PURPOSE(S):

To evaluate claims for purposes of adjudication.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To third parties in those cases in which they indemnify the U.S. government or to verify claims.

To the claimant or his authorized representative for those claims for which payment is determined proper.

To officials and employees of the Department of Treasury for those claims for which payment is determined proper.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices

RETRIEVABILITY:

Filed alphabetically by name of claimant

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number,

and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rule for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles and equipment; witnesses; correspondence from claimants, their attorneys, insurance companies, state commissions, United States Attorneys, and various other Government agencies with information concerning the claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

NO5890-5

SYSTEM NAME:

Nonscope Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General, Naval Legal Service Offices, and Branch Offices, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, Maryland. Local commands, with which claims under the "Nonscope" Claims Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses of these locations are included in the Department of Navy directory of mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims under the "Nonscope" Claims Act against the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports, photographs, drawings, opinions of experts, legal memoranda, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

"Nonscope" Claims Act (10 U.S.C. 2737); 32 CFR 750.60-750.69; 5 U.S.C. 301; 44 U.S.C. 3101

PURPOSE(S):

To evaluate claims for purposes of adjudication.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Justice to defend unauthorized suits brought against the U.S. under the "Nonscope" Claims Act.

To the claimant or his authorized representative.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders stored in file cabinets or other storage devices

RETRIEVABILITY:

Filed alphabetically by name of claimant

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager.

Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: x-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and municipal police agencies; reports of circumstances of incidents from operators of Government vehicles; witnesses; correspondence from claimants, their attorneys, insurance companies, state insurance commissions, United States Attorneys, and various other Government agencies with information concerning the claim; commercial credit and asset reports; and questionnaires completed by accident victims.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-6

SYSTEM NAME:

Military Personnel and Civilian Employees' Claims

SYSTEM LOCATION:

Offices of the Judge Advocate General; Naval Legal Service Offices; offices of the Commandants of the Naval Districts; Naval Legal Service Branch Offices; the Federal Records Center, Suitland, Maryland; naval activities where there are officers specifically designated by the Judge Advocate General to adjudicate personnel claims. Official mailing addresses of these locations are included in the Department of the Navy Directory of mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Department of the Navy under the Military Personnel and Civilian Employees' Claims Act and all common carriers against whom recovery

has been sought by the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, copies of order, copies of insurance policies, Government bills of lading, copies of Powers of Attorney, estimates of loss or damage, inventories, demands on carriers for reimbursement, correspondence, and legal memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Personnel and Civilian Employees' Claims Act (31 U.S.C. 240-243); 32 CFR 751.0-751.30; 5 U.S.C. 301; 44 U.S.C. 3101.

PURPOSE(S):

To evaluate claims for purposes of adjudication, reimbursement for the Department of the Navy from common carriers, warehousemen, contractors, or insurers who are responsible for loss or damage to personal property of individual claimants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Justice to defend unauthorized suits brought against the U.S. under the Military Personnel and Civilian Employees' Claims Act.

To the claimant or his/her authorized representative.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Filed alphabetically by name of claimant and name of common carrier, warehousemen, contractors, and insurers.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which file cabinets and storage devices are located is locked outside of working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically Files located in the Office of the Judge Advocate General

are transferred to the Federal Records Center, Suitland, Maryland three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the file is initially provided by the claimant and witnesses, after which the personal property divisions contribute investigative reports. The carrier may contribute information, and in some cases an investigative report is furnished by a military member's command or by an investigative agency. Adjudicated amounts allowed for the claim are provided by the adjudicating authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-7

SYSTEM NAME:

U.S. Postal Service Indemnity Claims Files

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 15), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332 and the Federal Records Center, Suitland, Md. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have filed claims with the U. S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U. S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 712.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files may contain claims, substantiating documents, Navy investigative reports (and allied reports such as U. S. Postal Service investigative reports, legal memoranda, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 712; 5 U.S.C. 30; 44 U.S.C. 3101

PURPOSE(S):

To evaluate requests for reimbursement by the U. S. Postal Service for payment on claims for loss or damage to mailed matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Filed alphabetically by name of claimant.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of working hours.

RETENTION AND DISPOSAL:

Minimum-one year; maximum-permanent; typically files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, Maryland, three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify only their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address, and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the should be able to provide some acceptable identification, e.g. driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The information in U. S. Postal Service Indemnity Claims Files may consist of claims filed, substantiating documents, Navy investigative reports, (and allied reports such as U. S. Postal Service investigative reports), legal memoranda, and correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05890-8

SYSTEM NAME:

NAVSEA Radiation Injury Claim Records

SYSTEM LOCATION:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals employed by the Navy and Navy contractors who have alleged radiation injury from radiation exposure associated with Naval Nuclear Propulsion plants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Excerpts from personnel medical records, Navy field organization and Navy contractor work histories and Navy and Labor Department correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

PURPOSE(S):

Technical evaluation of radiation injury compensation claims by NAVSEA Radiological Control Managers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File Folders

RETRIEVABILITY:

Alphabetical by name

SAFEGUARDS:

Locked in safe and specific permission of custodian

RETENTION AND DISPOSAL:

Indefinitely

SYSTEM MANAGER(S) AND ADDRESS:

Naval Sea Systems Command Code 08 Washington, D.C. 20362

NOTIFICATION PROCEDURE:

Contact System Manager; Provide name, organization where employed at time of alleged injury and supporting evidence.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Personnel medical records and Navy and contractor work histories.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N05891-1

SYSTEM NAME:

Litigation Case File

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who may institute or have instituted litigation concerning matters under the cognizance of the Department of the Navy excepting those cases arising: (1) in admiralty, (2) under the Federal Tort Claims Act, and from matters under the cognizance of the General Counsel's Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records, correspondence, pleadings, documents, memoranda, and notes relating to the litigation or anticipated litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 5148, and 44 U.S.C. 3101.

PURPOSE(S):

To represent the Department of the Navy and cognizant officials in litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To U.S. Attorney's, litigants and other parties in litigation.

To Federal and state courts to whom and which information may be provided. The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Retrievable by last name of the litigant or anticipated litigant.

SAFEGUARDS:

Records are maintained in file cabinets accessible only to persons responsible for servicing the record system in performing their official duties.

RETENTION AND DISPOSAL:

Generally retained in office files for four years after final action, then destroyed. Specially designated files are retained for longer periods.

SYSTEM MANAGER(S) AND ADDRESS:

Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager.

RECORD ACCESS PROCEDURES:

Access is not permitted to this system. See 5 U.S.C. 552a (d)(5).

CONTESTING RECORD PROCEDURES:

The Navy's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From all sources with information which may impact upon actual or anticipated litigation, e.g., other record systems within DON, DOD, and other agencies and departments of the Federal Government, particularly the Department of Justice; state and local governments and law enforcement agencies; counsel and parties in litigation; third parties who provide information voluntarily or in response to discovery, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06150-1

SYSTEM NAME:

Medical Department Professional/Technical Personnel Development

SYSTEM LOCATION:

Naval Medical Command, Navy Department, Washington, D.C. 20372; individual's duty station or reserve unit (see Directory of the Department of the Navy Mailing Addresses); Military Sealift Command, Navy Department, Washington, D.C. 20390; National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132; National Personnel Records Center, 111 Winnebago St., St. Louis, Missouri 63118; Naval Medical Command managed education and training activities (see Directory of Department of the Navy Mailing Addresses); various colleges and universities affiliated with COMNAVMECOM managed education and training activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy (military and civilian) health care personnel; applicants to student status in Navy Aerospace Medicine, Navy Aerospace Physiology and Navy Aerospace Experimental Psychology; Navy (military and civilian) personnel qualified as divers or involved in other professional/specialty/technical training; Navy (military and civilian) personnel exposed to occupational/environmental hazards; distinguished/

noted civilian physicians in capacity of lecturer/consultant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and demographic data; education, training, professional, specialty, and technical accomplishments/qualifications; credentialing programs; surgical and surgical support team personnel listings; assignments history, projected rotation date, projected release from active duty date, active duty obligation, officer preference card, and variable incentive pay/continuation pay selection data; Hospital Corps education and training history and grades received, commanding officer's performance evaluation, and recommendations; periodic and total lifetime accumulated exposure to occupational/environmental hazards; curricula vitae of civilian consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, U.S.C.; 5 U.S.C. 301; Title 10, CFR Part 20, Standards for Protection Against Radiation.

PURPOSE(S):

To manage the Naval Medical Command's education and training activities related to procurement, assignments, professional/specialty/technical training, credentialing, promotion, and all other aspects of health care personnel management; career development; evaluation of candidates for position of lecturer/consultant; mobilization, planning, and verification of reserve service; surgical team contingency planning; management of physical standards; and maintenance of safe occupational/environmental protection standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information of adverse actions or revocations of health care providers' clinical credentials may be disseminated to the various federal and state licensure boards, professional regulating bodies, and appropriate military and civilian organizations and facilities.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records stored on disc, tape, punched cards, and machine

listings. Manual records stored in card files and folders in filing cabinets.

RETRIEVABILITY:

Manual records retrieved by full name, SSN, file numbers, program title or locator card. Automated records retrieved by key to any data field.

SAFEGUARDS:

Records maintained in monitored or controlled access rooms or areas; public access to the records is not permitted; computer hardware is located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in the performance of their duties. Buildings/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Medical Department personnel professional development and training records; Headquarters, COMNAVMECOM records-retained at COMNAVMECOM for duration of member's service, then retired to NPRC, St. Louis for 10 year retention; COMNAVMECOM field activities-retained 5 years, then destroyed.

Radiation exposure records; personnel exceeding exposure limits-retained at COMNAVMECOM 50 years, then destroyed; all others-retained 5 years, then destroyed.

Surgical support team records; Headquarters, COMNAVMECOM destroyed upon termination of active duty service; COMNAVMECOM field activities-destroyed upon termination of duty at the Medical Department facility.

Curricula vitae of lecturers/consultants-destroyed upon termination of status at the Medical Department facility.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Medical Command, Navy Department, Washington, D.C. 20372; Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132; Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118; commanding officers of naval activities, ships and stations.

NOTIFICATION PROCEDURE:

Offices where requester may visit to obtain information of records pertaining to the individual; Potomac Annex, 23rd and E Streets, N.W., Washington, D.C.; Navy medical centers and hospitals; other Navy health care facilities; and COMNAVMECOM managed education and training facilities.

The individual should present proof of identification such as an I.D. card, drivers license, or other type of identification bearing signature and photograph.

Written requests may be addressed as follows:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the commanding officer of the facility or ship where they are stationed or employed.

Former members of the Navy should address requests to Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132.

Former civilian employees of the Navy should address requests to Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Mo. 63118.

All written requests should contain full name, rank, SSN, file number (if any), and designator.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the systems manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Military Headquarters, offices and commands; education institutions at training hospitals; boards, colleges and associations of professional licensure and medical specialties; personnel records; information submitted by the individual; automated system interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06150-2

SYSTEM NAME:

Health Care Treatment Record System

SYSTEM LOCATION:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps Personnel. Retained at the individual's duty station or reserve unit. (Mailing addresses are listed in the Navy Directory in the appendix in the component system notice.) Naval Medical Command, Navy Department Washington, DC; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149; Headquarters Marine Corps,

Navy Department, Washington, DC 20380; Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Inpatient treatment records for active duty military, dependents, retired military and dependents, civilian employees, VA beneficiaries and humanitarian. Naval Medical Treatment Facilities; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Outpatient treatment records for dependents of active duty military, retired military and their dependents, civilian employees, VA beneficiaries and humanitarian. Naval Regional Medical Centers and Naval Hospitals, and Clinics (Dispensaries); National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118; National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132. Subsidiary record files of the health care treatment record system are located at Naval Medical Data Services Center, Bethesda, Maryland; Regional Data Service Centers; Naval Environmental Health Center, Norfolk, Virginia; and other approved locations for conducting research studies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy, Marine Corps, other military personnel, dependents, retired military personnel and dependents, civilian employees, VA beneficiaries and humanitarian.

CATEGORIES OF RECORDS IN THE SYSTEM:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps: system is made up of records pertaining to the member or former member's medical history; physical, dental and mental examinations; consultation; inoculations; outpatient treatment, including laboratory and x-ray reports; report of medical boards; summaries of periods of hospitalization, dental evaluation and treatment, reports of exposure to environmental and radiation hazards, results of special diagnostics and clinical studies; recommendations regarding requests for waivers of established physical standards.

Inpatient and outpatient treatment records: file contains a multiplicity of prescribed forms documenting health evaluations, medical/dental care and treatment for any health or medical condition or problem provided an eligible individual on an outpatient and/

or inpatient status. The records contain history and physical examinations or health evaluation, reports of exposure to ionizing radiation, consultation reports and medical care and treatment provided, including procedures utilized such as surgery, drugs, dietary, x-ray laboratory, nursing notes, physical therapy and other specialty care applicable to the medical diagnosis or conditions found. The records also contain patients demographic data, family health history data, length of inpatient stay, disease nomenclature, discharge summary of inpatient care. Documentation of health history, diagnosis, care and treatment provided and the recording thereof conform with the standards prescribed by the joint commission on accreditation of hospital. In addition to, and based on individual medical record files, there are subsidiary records such as registers of patients; patient health care, medical board and death statistics; environmental health data; operating room schedules, tumor registers; appointment registers; sick call and treatment logs; x-ray files; laboratory files and logs; pharmacy records; EKG's; EEG's; neuropsychiatric evaluations; physical therapy records; other patient evaluation records, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5131 (as amended), 10 USC 5132, 44 USC 3101, 5 USC 301.

PURPOSE(S):

This system is used by officials and employees of the Department of the Navy (and members of the National Red Cross in Navy Health Care Facilities) in the performance of their official duties relating to the health and medical treatment of Navy and Marine Corps individuals; determining physical qualifications and suitability of candidates for various programs; personnel assignments; adjudicating claims and appeals before the Council of Personnel Boards, and the Board for Correction of Naval Records; rendering opinions regarding members' physical fitness for continued naval service; litigation involving medical care provided those categories of individuals covered by this record system; performance of research studies and compilation of statistical data; implementing preventive medicine, dentistry, and communicable disease control programs. Officials and employees of other components of the Department of Defense in the performance of their official duties relating to determining the physical

qualifications of applicants; in providing medical care to those categories of individuals covered by this record system; and in the conduct of analyses and research studies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Naval Service.

To officials and employees of other departments and agencies of the Executive Branch of Government upon request in the performance of their official duties related to review of the physical qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies.

To private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal Government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Surgeon General of the Navy.

To officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing and local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs. Authorized surveying bodies for professional certification and accreditations.

When required by federal statute, by executive order, or by treaty, medical record information will be disclosed to the individual, organization, or government agency, as necessary. Drug/Alcohol and Family Advocacy Information maintained in connection with Abuse Prevention Programs shall be disclosed only in accordance with the applicable statutes, 21 U.S.C. 1175, 42 U.S.C. 4582, and 5 U.S.C. 552.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps:

Records are stored in file folders, microform, on magnetic tape, punched cards, machine listings, discs, and other computerized or machine readable media.

Inpatient and outpatient treatment records. These records originate at any Navy Medical Treatment Facility where the individual comes for medical care and treatment. The inpatient treatment records are retained for 2 years from date of last treatment at the activity and then sent to the National Personnel Records Center, St. Louis, Missouri. Outpatient treatment records are transferred for continuity of care and treatment to other medical activities upon change of station by the service member. Outpatient files, upon 2 years from date of last treatment are transferred to the National Personnel Records Center.

Inpatient and outpatient treatment records are maintained in mechanized lists, file folders, microform, and on magnetic tape, discs, punched cards, and other computerized or machine readable media. Inpatient treatment records are filed numerically by hospital register numbers. The alphabetical patient register serves as the locator media. Outpatient treatment records are filed by the Military Member's SSN with an alphabetical card or mechanized list or other record as the locator media. Medical x-rays are filed by a sequential numbering system in manual or mechanized format with an alphabetical name locator.

RETRIEVABILITY:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps Members.

Records retired to the National Personnel Records Center, St. Louis, Missouri, prior to 1971 are retrieved by name and service or file number. After that date, records are retrieved by name and social security number. Records retired to the National Personnel Records Center, St. Louis, Missouri prior to 1971 are retrieved by name and service or file number, after that date records are retrieved by name and social security number.

Inpatient and outpatient treatment records.

Records are retrieved by manual or automated locator media (alpha name cards, logs, listings, tapes, etc.).

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specific monitored or controlled access rooms or areas; public access is not permitted. Computer terminals are located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in providing further medical care or in support of administrative/clerical functions. Records are controlled by a charge-out system to clinical and other authorized personnel.

RETENTION AND DISPOSAL:

Health care treatment records are retained, retired, and disposed of in accordance with SECNAVINST 5212.5 series, disposal of Navy and Marine Corps Records.

SYSTEM MANAGER(S) AND ADDRESS:

Service medical (health and dental) records for active duty and reserve, Navy and Marine Corps: Commander, Naval Medical Command, Navy Department, Washington, D.C. 20372; Commanding Officers, Naval Activities, Ships, and Stations, Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 64131.

Inpatient and outpatient treatment records: Commander, Naval Medical Command, Navy Department, Washington, D.C. 20372; Commanding Officer's and OIC's of Naval Medical Treatment Facilities; Director, National Personnel Records Center, St. Louis, Missouri 63118.

NOTIFICATION PROCEDURE:

Service medical (health and dental) records for active duty and reserve; Navy and Marine Corps Members;

Requests for information from active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves should be addressed to the individual's commanding officer. Official mailing addresses are in the Department of Defense Directory in the appendix to the component's system notice. Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149. Marine Reservist's should address request for information to Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131.

Former members who have no further reserve or active duty obligations should address requests for information to

director, National Personnel Records Center (Navy Reference Branch), 9700 Page Boulevard, St. Louis, Missouri 63132.

All written requests should contain the full name and social security, account number of the individual, his signature, and in those cases where his period of service ended before 1971, his service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service. Active duty Navy and Marine Corps personnel including drilling members of the reserves may visit the medical department of the activity to which attached. Inactive Naval Reservists whose tour of active duty ended after 1 July 1972 may visit the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana. Marine Reservists whose tour of active duty ended after 1 July 1972 and who have a continual reserve obligation may visit the Marine Corps Reserve Forces Administration Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri. Former members with no further obligation and reservists whose tour of active duty ended prior to 1 July 1972 may visit the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri. Proof of identification in the case of active duty, retired and reserve personnel will consist of the Armed Forces of the U.S. Identification Card or by other types of identification bearing picture and signature. Former members may provide drivers license or other types of identification bearing picture and signature.

Inpatient and outpatient treatment records:

(Care/treatment-within 2 years) Commanding Officer of the Naval Regional Medical Center or hospital where the individual was treated.

(More than 2 years) Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118 or Director, National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132.

Provide the following data: full name, service number, status, or SSN of sponsor, date(s) of treatment or period of hospitalization, address at time of medical treatment, if known.

Office where requester may visit to obtain information of records pertaining to the individual.

Regional Medical Center or Hospital Chief, Patient Affairs Service Chief, Outpatient Service

Officer-in-charge other Navy Medical Facility

Full name, date and place of birth, ID card or drivers license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility must be presented.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerning may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Reports from attending and previous physicians and other medical personnel regarding the results of physical, dental and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies conducted to provide health care to the individual or to determine the individuals physical and dental qualification.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N06150-3

SYSTEM NAME:

Naval Health/Dental Research Center Data File

SYSTEM LOCATION:

Naval Medical Research and Development Command, Naval Medical Research Institute and/or Naval Dental Research Institute to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

For medical: Navy and Marine Corps personnel on active duty since 1960 to date. Civilians taking part in Operation Deep Freeze, 1964 to date. For dental: Navy and Marine Corps personnel on active duty since 1967 to date.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts of information from official medical/dental and personnel records, results of dental examinations conducted by staff research scientists, as well as information dealing with biographical, attitudes, and questions relating to medical and dental health patterns during active service or prior to active duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 5031

PURPOSE(S):

To research, monitor and analyze the types and frequency of medical and dental diseases and illnesses in Navy and Marine Corps personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Files are maintained on magnetic tape, flexible and hard disks, paper files, punch cards and optically marked cards.

RETRIEVABILITY:

Retrievability is by Social Security number or service number as appropriate for military and former military personnel. Civilians are by name only.

SAFEGUARDS:

Access is restricted to personnel having a need to work with the research data stored. Access is controlled by password for health records stored on magnetic tape. Computerized dental research records contain ID numbers that can be matched to SSN's on code sheets maintained by research personnel.

RETENTION AND DISPOSAL:

Research records are permanent. They are maintained for five years at the activity performing the research and then retired to the Federal Records Center, St. Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question (see Directory of Department of the Navy Mailing Addresses).

NOTIFICATION PROCEDURE:

Navy and Marine Corps personnel and former serving members must provide a social security number or service number as appropriate, give the branch of service, and years of active duty. Civilians in Operation Deep Freeze must identify themselves by full name and the year in which they wintered over.

RECORD ACCESS PROCEDURES:

The agency's rules for contesting contents and appealing initial

determinations by the individual concerned may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is derived from (a) Medical Treatment Record Systems, including medical, dental, health records, inpatient treatment records and outpatient treatment records, (b) Personnel Records System and Personnel Rehabilitation Support System, (c) Enlisted Master File, (d) information provided by the members themselves on a volunteer basis in response to specific research questionnaires and forms, and (e) information provided by the members' peers and superiors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06310-1

SYSTEM NAME:

Personal injury and illness reports on civilian and govt-service seaman employed on MSC ships

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 11), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Injured civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators for service on board MSC ships.

CATEGORIES OF RECORDS IN THE SYSTEM:

System consists of preliminary personal injury and illness reports on civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301; 44 U.S.C. 3101

PURPOSE(S):

To evaluate and settle subsequently submitted admiralty claims asserted against the Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Justice for defense of civil maritime suits brought against the U.S. The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets

RETRIEVABILITY:

Filed by name of injured seaman listed under each particular MSC ship by date of injury.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Reports are maintained in personal injury report file folders for a period of two years from the date of particular injury or illness and are, thereafter, destroyed at the local office level.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing determinations may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Masters of Military Sealift Command ships; witnesses; medical and dental forms; and investigative reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N06320-1

SYSTEM NAME:

Uncollectible Accounts

SYSTEM LOCATION:

Primary System - Commander, Naval Medical Command, Navy Department, Washington, D. C. 20372. Decentralized Segments - Naval Hospitals and Medical Centers which provide services or perform work giving rise to such accounts receivable. (See directory of Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual incurring indebtedness to the United States by receiving health care treatment or examination services funded by the Navy Medical Department. Coverage also includes sponsors and other persons responsible for the debts of such persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and SSN, sponsor's SSN, if applicable, paygrade, branch of service, duty station address, account number, activity performing service, insurance company, civilian employer, patient category, time and dates of service, units of service, physicians' and hospitals' statements of service and total charges for treatment including interest, administrative and penalty charges, payment receipts, admission documents, correspondence relating to collection attempts to ascertain eligibility status, patient category, and third party insurer liability, records of payment received and outstanding balances, letter reports of uncollectible accounts receivable, records suspending or terminating collection action or effecting compromise settlement agreements, and requests for recovery of Champus funds and substantiating documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 USC 191-195, 227, and 952 (also known as the Federal Claims Collection

Act of 1966); 10 USC 1078-179; and 37 USC 702, 705, and 1007.

PURPOSE(S):

To identify and facilitate payment of amounts owed the U.S. Users of the information include Naval Medical Command personnel who are directly involved in processing payments or billings of patient accounts. The information is used to determine amounts owed, methods to be employed to effect recovery, whether or not the claim can be compromised or collection action thereon terminated or suspended, and to collect charges for utility bills and other miscellaneous items. File may be forwarded to the Naval Investigative Service for investigation or to any component of DOD, as needed, in the performance of their duties related to same.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES

Disclosure may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and reading files. Index cards (3"x5").

RETRIEVABILITY:

Automated records are retrieved by either a query or a request for a standard report. Data may be indexed by any data element although the primary search keys are name and SSN. Paper records are filed alphabetically by last name of debtor.

SAFEGUARDS:

Access to the automated system requires user account number and password sign on. Access to the paper records and/or terminals are limited to only authorized personnel that are properly screened and trained. Office space where records and/or terminals are located is locked after official working hours.

RETENTION AND DISPOSAL:

Records are retained in active file until collection action has been completed, compromised, suspended, or terminated. They are held in inactive file until statute of limitations has run and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Medical Command, Navy Department, Washington, D. C. 20372 and Commanding Officers of Medical Treatment Facilities under the Command of the Commander, Naval Medical Command.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commander, Naval Medical Command. Requests should provide the full name of the debtor, the military or dependency status of the debtor, and the location and approximate dates of treatment or examination. Driver's license and/or military ID card will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appearing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Automated patient administration system records produced at Medical Treatment Facilities include but are not limited to Inpatient Admission/Disposition Records, NAVMEDCOM 6300/5; Report of Treatment Furnished Pay Patients-Hospitalization/Outpatient Treatment Furnished, DOD 7/7A, Part A/B. Other record source categories are: OCHAMPUS, Denver; U.S. Postal Service; Military Locator Services; State Departments of Motor Vehicles; any component of the DOD; the Department of Justice, the General Accounting Office, retail credit associations, financial institutions, current or previous employers, educational institutions, trade associations, automated system interfaces, local law enforcement agencies, the Department of Health and Human Services, the Internal Revenue Service, and the Office of Personnel Management.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N06320-2

SYSTEM NAME:

Family Advocacy Program System

SYSTEM LOCATION:

Central Registry -- Commander, Naval Medical Command, Navy Department, Washington, D. C. 20372. Individual Case Files -- Naval Medical Treatment Facilities, and duty stations of the military sponsors. (See Directory of Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All beneficiaries entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities, and all persons suspected of abusing or neglecting such beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of suspected and confirmed cases of family member abuse or neglect, also, investigative reports, correspondence, family advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual family advocacy program files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 5132, and 44 U.S.C. 3101.

PURPOSE(S):

To collect and disseminate (to authorized officials), information pertaining to the identification, evaluation, intervention, treatment, prevention and follow-up of victims and perpetrators of abuse or neglect.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Executive Branch of government in the performance of their official duties relating to the coordination of family advocacy programs, medical care, and research concerning family member abuse or neglect.

To federal, state or local government agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in abuse or neglect or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

To authorized officials and employees of the National Academy of Sciences, and private organizations and

individuals for authorized health research in the interest of the federal government and the public; and authorized surveying bodies for professional certification and accreditation.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but are not limited to: names, social security numbers, and types of incidents.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis, only.

Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Family advocacy case records are maintained at the activity having cognizance of the case for a period of 5 years and are then destroyed. Central registry records are permanently retained under the control of the Naval Medical Command.

SYSTEM MANAGER(S) AND ADDRESS:

Central Registry -- Commander, Naval Medical Command, Navy Department, Washington, D.C. 20372, -- and commanding officers of medical treatment facilities under the command of the Commander, Naval Medical Command, where the treatment and reporting occurred.

NOTIFICATION PROCEDURE:

Informational requests should be directed to the cognizant system manager(s). Requests should contain the full name of the individual and social security number of the military or civilian sponsor or guardian, date and place of treatment, and alleged reporting

of incident. The requester may visit the office of the Commander, Naval Medical Command, 23rd and 'E' Streets, N.W., Washington, D.C. and the commanding officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to him or her. Armed Forces I.D. card or other type of identification bearing the picture and signature of the requested will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reports from physicians and other medical department personnel regarding the results of physical, dental, mental, and other examinations, treatment, evaluation, consultation, laboratory, x-ray, and special studies; reports and information from other sources, including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Part of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5), as applicable. For additional information, contact the system manager(s).

N06320-3

SYSTEM NAME:

COMNAVMEDCOM Quality Assurance/Risk Management

SYSTEM LOCATION:

Naval Medical Command, Navy Department, Washington, DC 20372; health care treatment facilities. (See directory of Department of the Navy Mailing Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients, staff, visitors, contractors, and other personnel who converge upon Naval medical treatment care, or health related ancillary or support services consistent with institutional purposes. Such individuals may be noted in organized review of care provided, reviews of injuries or mishaps sustained, or be governed by stipulations under which care may be rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports; follow-up reports; letters, memos, and other correspondence or supportive statements; statistical reports; and committee minutes; and credentialing program documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations; 10 U.S.C. 5132.

PURPOSE(S):

This system relates to the Navy Medical Command's Quality Assurance/Risk Management Program. It is used to review the quality and appropriateness of care provided; investigate, analyze, and report accidents, injuries, and other incidents; to identify health care providers with known or suspected problems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information of adverse actions or revocations of health care providers' clinical credentials may be disseminated to various federal and state licensure boards, professional regulating bodies, and appropriate military and civilian organizations and facilities.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on hard copy forms in filing cabinets.

RETRIEVABILITY:

Records are retrieved by full name of patient, SSN of sponsor, date of incident, or other alpha/numeric identifier.

SAFEGUARDS:

Files are monitored during normal working hours by authorized personnel and the room or the files are locked at all other times.

RETENTION AND DISPOSAL:

Records are retained for 3 years after the year in which created and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Medical Command, Navy Department, Washington, DC 20372. Commanding Officer or Officers in charge of Navy Medical Department health care

treatment facilities (see directory of Department of the Navy mailing addresses).

NOTIFICATION PROCEDURE:

Requests should be addressed to Commander, Naval Medical Command or commanding officers or officers in charge at the addresses indicated above. Requests should contain the full name, SSN, and signature of the individual. The individual may also visit COMNAVMEDCOM or the health care treatment facility. Visitors must possess proof of identification such as ID card, driver's license, or other identification showing name and a recent photograph of the individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Incident reports relating to patients, staff, and other personnel documenting accidents, injuries, and other incidents, together with supportive correspondence and statements including statistical displays and summaries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06470-1

SYSTEM NAME:

USN/USMC Nuclear Test Personnel Review Program.

SYSTEM LOCATION:

Primary Navy System exists at the Project Manager's Office, Navy Nuclear Test Personnel Review, Room 756, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA. 22209. Automated segments exist at Navy Regional Data Automation Center, Washington Navy Yard, Washington, D.C. 20374 and J. A. Young corporation, 205 South Whiting Street, Alexandria, VA 22304. The entire Marine Corps systems exists at the Project Coordinator's Office, Marine Corps Nuclear Test Personnel Review, Records Branch, Personnel Services Division, Headquarters Marine Corps, Washington, D.C. 20380. Extracts of individualized records of both Navy and Marine Corps reside at Headquarters,

Defense Nuclear Agency, Washington, D.C. 20305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps military and civilian personnel and/or contractor personnel in support of the Navy and Marine Corps who may have been exposed to radiation as the direct result of government sponsored atmospheric nuclear detonations occurring between 1945 and 1962.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, service number, social security account number, current or last known address, dates of test participation, radiation exposure (if any) & dose data, Navy and Marine Corps unit/office of assignment at time of exposure, current medical status, next-of-kin data, and extracts of service medical data such as CBC's, bioassay data and radiation sickness sequelae.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U. S. C. 5031

PURPOSE(S):

To identify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government-provided medical treatment, and to answer inquiries.

DOD components use the system for the purpose of preparing histories of atmospheric nuclear test participation and for use in litigation between test participants or their representatives and the Department of Defense.

The Defense Nuclear Agency Contractors use the system for the purpose of assisting DOD components in preparation of histories of atmospheric nuclear test participation, to reconstruct individual dosimetry data based on research and application of mathematical factors and responding to the inquiries and concerns of individuals who may have participated in the test programs and/or their representatives.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Veterans Administration to process/adjudicate claims in which service-connected disabilities resulting from radiation exposure are alleged.

To officials and employees of the National Research Council and the Center for Disease Control for the limited purpose of conducting

epidemiological studies of the effects of ionizing radiation from the atmospheric nuclear weapons tests on DOD participants in those tests.

To officials and employees of the Department of Energy for the limited purpose of identifying AEC and AEC-contractor personnel exposed to ionizing radiation during nuclear testing and for conducting epidemiological studies of radiation effects of individuals so identified; and for use in litigation between the DOD and any of the individuals so identified.

To officials and employees of the Department of Transportation for the limited purpose of identifying DOT and DOT-affiliated personnel exposed to ionizing radiation during nuclear testing and for use in litigation between the DOT and any of the individuals so identified.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes, disks, and computer printouts.

RETRIEVABILITY:

By individual's name and/or service number/SSN, or listed in conjunction with a unit (ship, air squadron, etc.) associated with atmospheric nuclear testing.

SAFEGUARDS:

Access is limited to properly clear personnel having need for the information in the performance of official duties. Paper records are maintained in an office which is locked during non-working hours. The building in which both offices are located maintains continuous security guard surveillance during non-working hours. Magnetic tapes and disks are stored in secured computer areas, access to which is controlled by password.

RETENTION AND DISPOSAL:

Paper records are retained after data is transferred to magnetic tapes. Personnel and health records are retained by the National Personnel Records Center, St. Louis, Missouri. Other paper records will be retired to Naval and Marine Corps Historical Offices after completion of Nuclear Test Personnel Review effort. Magnetic tapes and disks are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, Navy Nuclear Test Personnel Review, Room 756, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA 22209 and Project Coordinator, Marine Corps Nuclear Test Personnel Review, Commandant of the Marine Corps, (MSRB-60), Washington, D.C. 20380.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information pertinent to them shall either write or visit the system manager. Signed letters or proper identification are required.

RECORD ACCESS PROCEDURES:

Individuals may access records pertaining to them by furnishing full name and SSN and/or service number. Additional information such as unit to which assigned at time or radiation exposure as well as place and approximate dates of exposure expedite recovery of desired records.

CONTESTING RECORD PROCEDURES:

The agencies' rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the respective system manager.

RECORD SOURCE CATEGORIES:

From the individual; Navy and Marine Corps organizational, personnel, and medical records; the Veterans Administration, Department of Energy, Defense Nuclear Agency & other military departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N06530-1

SYSTEM NAME:

Blood Donor Program Files

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel donating blood or seeking replacement of blood.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood donation records. Blood replacement requirement records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To record emergency blood requests by blood type; to recognize and identify donors; and to replace blood provided, to cover individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the American Red Cross in the performance of their duties related to the assistance of the members.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, card files, punched cards; magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

American Red Cross, blood donors, hospitals, persons seeking replacement of blood.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO7210-1

SYSTEM NAME:

Losses of Public Funds File

SYSTEM LOCATION:

Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disbursing personnel who are entrusted with public funds and who incur losses of the public funds entrusted to them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized folders containing reports of losses of public funds, reports of investigations into losses of public funds, requests for relief of liability for losses of public funds and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 USC 95a, 82a-1, and 82a-2

PURPOSE(S):

To maintain and process documentation related to losses of public funds; to inform individuals of their rights to repay losses or to submit requests for relief of liability; to maintain records of investigations conducted; to approve requests for relief of liability for losses of less than \$500; to make recommendations to the Secretary of the Navy on all denials and losses of \$500 or more, and to control liquidation of losses by relief or by collective action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders and control log

RETRIEVABILITY:

Name of accountable disbursing individual in whose custody the public funds were entrusted when the losses occurred.

SAFEGUARDS:

Maintained in General Services approved Class 3, Security Cabinet equipped with a Type II, three tumbler combination lock accessible only to authorized individuals.

RETENTION AND DISPOSAL:

Transferred to Federal Records one year following liquidation of the loss.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376

NOTIFICATION PROCEDURE:

Correspondence only

RECORD ACCESS PROCEDURES:

The agency's rule for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rule for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Messages, letters, and reports of investigations into losses of public funds received from: accountable disbursing personnel, commanding officers of Navy and Marine Corps activities at which disbursing offices are located, officers appointed to conduct Judge Advocate General Manual investigations, Commanding Officer, Naval Investigative Service, Commandant of the Marine Corps, and Secretary of the Navy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

NO7220-1

SYSTEM NAME:

Armed Forces Health Professional Scholarship System

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFHSP students until graduation

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and entitlement data necessary for pay computation

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92-426

PURPOSE(S):

To maintain a data base which will permit officials and employees of the Department of the Navy to prepare checks, leave and earning statements and financial reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of the Treasury, Social Security Administration, and Veterans Administration when needed to provide payment or service to member.

To federal, state, or local government agencies when payments received through the Armed Forces Health and Professional Scholarship System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To the American Red Cross, Navy Relief Society and U.S.O. for personal assistance to the member.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape and file folders

RETRIEVABILITY:

Social security account number and member name

SAFEGUARDS:

Guards, personnel screening, and requestor codes

RETENTION AND DISPOSAL:

Destroyed ten years after member's graduation

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Office Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Information request must contain Navy member's full name, military status, and social security number. Requestor may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officer, Reserve members, COMNAV MILPERSCOM, and COMNAV MEDCOM

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-2

SYSTEM NAME:

Retired Pay System

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former members of the Navy and Reservists receiving Retired or Retainer Pay; Survivors of members or reservists requesting Survivor Benefit Plan, Retired Serviceman's Family Protection Plan or Minimum Income Widow payments; Individuals eligible for National Oceanic and Atmospheric Administration retirement payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual retired pay and annuity pay records, statements of service, retirement orders, survivor benefit plan elections, w-4 and w-2 data, allotment data, death certificates, applications for annuities, correspondence from or to the member or annuitant or third parties relating to an individual account, documentation of mass change, e.g., cost of living increase, due to legislative change.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Subtitle C

PURPOSE(S):

To compute retirement and annuity payments and to investigate and reconcile any underpayments, overpayments or claims. Data is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for internal use as required by the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in this system is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for use externally required by Department of Labor, Department of Commerce or by other government agencies.

Records may be released to the Comptroller General or any of his

authorized representatives in the course of the performance of duties of the Comptroller General. To the General Accounting Office for audits and determinations relating to military pay entitlements expenditures and accounting procedures.

To the Department of Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance.

To the Veterans Administration in regard to Disability and Severance Pay and educational benefits.

To the Social Security Administration for FICA Wage reporting.

To the Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability.

To the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts, and federal, state, or local government agencies when payments received through the Retired Pay system impact payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To designated beneficiaries of deceased member.

To the American Red Cross, Navy Relief Society, or U.S.O. personnel for assistance to the member or annuitant.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape, and disc files, microfilm and file folders.

RETRIEVABILITY:

Social security number and member's name

SAFEGUARDS:

The on-line system contains the following safeguards: a. Physical access to CRT data entry terminals is under supervisory control. b. Access to central computer mainframe, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access. c. Individual user identification codes and passwords are used to control access to automated records. d. Reports are issued that are used to help monitor individuals accessing the system. Access to microfiche and

microfiche readers and the respective data are maintained by supervisory control. During non-working hours, offices where records are stored are locked.

RETENTION AND DISPOSAL:

Records are retained for ten years after death of retiree or annuitant then shipped to a Federal Records storage facility. NOAA accounts are dropped upon retiree's death.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Information request must contain Navy member's full name and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Field disbursing offices, Navy Military Personnel Command, Navy Reserve Personnel Center, individual members, annuitants, financial organizations, designated guardians and conservators of retirees or annuitants, Veterans Administration, Social Security Administration, Office of Personnel Management, Internal Revenue Service, and federal, state, and local courts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-3

SYSTEM NAME:

Reserve Pay System

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active reservists drilling in pay units

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance entitlements, monthly and yearly pay, and personnel data needed for pay computation and issuance

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code Chapter 11

PURPOSE(S):

This information is used by officials and employees of the Navy Finance Center to issue checks and leave and earnings statements, investigate claims and overpayments, and to prepare financial reports. This information may be used by officials and employees in the Department of Defense, and the Naval Military Personnel Command to assist in updating, verifying or correcting their records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability.

To the Social Security Administration to determine member's coverage under that program.

To the Department of the Treasury for issuance of checks.

To the Veterans' Administration or to the Navy Family Allowance Activity when needed to process cases in the courts upon court order.

To the designated beneficiaries of deceased members.

To federal, state, or local government agencies when payments received through the Reserve Pay System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders

RETRIEVABILITY:

Social security number and name

SAFEGUARDS:

Guards, personnel screening, requestor codes

RETENTION AND DISPOSAL:

Microfilm record kept indefinitely in safekeeping

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Information request must contain Navy member's full name and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officers, individual members, BUPERS, and IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-4

SYSTEM NAME:

Naval Reserve Officer Training Corps Pay System

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NROTC students until time of commissioning

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and entitlement data necessary for computation of pay entitlements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U. S. Code, Chapter 103 and Public Law 88-647.

PURPOSE(S):

This information is used by officials and employees of the Navy Finance Center to issue checks and leave and earnings statements, investigate claims and overpayments, and to prepare financial reports. This information may be used by officials and employees in the Department of Defense, and the Naval Military Personnel Command to assist in updating, verifying or correcting their records or to process cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability.

To the Social Security Administration to determine member's coverage under that program.

To the Department of the Treasury for issuance of checks.

To the Veterans' Administration or to the Navy Family Allowance Activity when needed to process cases.

To the courts upon court order.

To the designated beneficiaries of deceased members.

To federal, state, or local government agencies when payments received through the Naval Reserve Officer Training Corps Pay System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape and file folders

RETRIEVABILITY:

Social Security account number and member name

SAFEGUARDS:

Guards, personnel screening, requestor codes

RETENTION AND DISPOSAL:

Original shipped to safekeeping for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Information request must contain Navy member's full name, military status, and social security account number. Requestor may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officer, Member, NMPC, CNETO, and IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07220-5**SYSTEM NAME:**

Joint Uniform Military Pay System (JUMPS)

SYSTEM LOCATION:

(Decentralized) Navy and Marine Corps disbursing offices, i.e., Personnel Support Activities, Personnel Support Detachments, Disbursing Officers Afloat, and the Navy Finance Center. Specific activities are identified in Appendix B of Volume IV, Navy Comptroller Manual and addresses are contained in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy Personnel on active duty and individual recipients of allotments of Navy Personnel (active duty and retired)

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Leave and Earnings Statements, Personnel Financial Records, substantiating documentation submitted via OCR documents, tape input or direct on-line CRT entry which authorized credits and deductions of pay entitlements and withholding of Federal income tax, Federal Insurance Contribution Act (FICA) payments, and Servicemen's Group Life Insurance, state and local taxes, or other deductions. Other records include Internal Revenue Form w-2's, money lists, pay receipts, check and distribution lists, allotment authorizations and associated files, absentee and deserter lists, miscellaneous correspondence requesting or providing pay information, Commanding Office Leave Lists and microfilm and microfiche records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles 10 and 37 U.S.C.

PURPOSE(S):

To maintain and distribute Leave and Earning Statements; determine and audit pay entitlements or deductions; compute, pay and report payments; determine budgets and appropriation requirements; commence and terminate allotments; determine amounts subject to fines, forfeitures or detentions of pay in connection with non-judicial punishment and courts-martial and distribution of payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Comptroller General or any of his authorized representatives in the course of the performance of duties of the Comptroller General or the General Accounting Office in the audit and determinations relating to military pay entitlements, expenditures and accounting procedures.

To the Department of the Treasury in connection with check of Electronic Fund Transfer (EFT) payment issuance.

To the Veterans Administration in regard to Disability and Severance Pay and Educational benefits; the Social Security Administration for FICA Wage reporting.

To the Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability.

To the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System.

To financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts.

To federal, state, or local government agencies when payments received through the JUMPS system impact payments or benefits issued by those agencies or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To the American Red Cross, Navy Relief Society, or U.S.O. for personal service to the member or allotment recipient.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Personal Financial Records containing Leave and Earnings Statements, which are paper records, are stored in wooden or metal boxes or cabinets. Copies of

Leave and Earnings Statements and supporting documents are stored in file folders and cabinets or on micro-film or microfiche. Automated records are stored on magnetic tapes, discs and punched cards.

RETRIEVABILITY:

Automated records are retrieved by Social Security Number and name. Documents are retrieved by ssn or by an assigned internal document control number.

SAFEGUARDS:

Outside of normal working hours Personal Financial Records with Leave and Earnings Statements are secured in safes, vaults or locked cabinets. Substantiating documents and microfilmed records are retained in unlocked cabinets. During non-working hours, offices where the above-mentioned records are stored are locked.

The safeguards in the on-line automated system include the following controls: a. Physical access to CRT data entry terminals is under supervisory control. b. Access to central computer main frame, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access. c. Individual user identification codes and passwords are used to control access to automated records. d. Reports are issued that are used to help monitor the system to determine individuals who are accessing data.

Access to microfiche and microfiche readers and the respective data are maintained by supervisory control.

RETENTION AND DISPOSAL:

Personal financial records containing the twelve most recent leave and earning statements are retained by the Personnel Support Detachment or disbursing office servicing the Command to which the member is assigned. Copies of originating documents are retained by the local command for one year after submission and then destroyed. A central automated file is maintained for all active duty Navy personnel at the Navy Finance Center, Cleveland. Following a member's separation or retirement from the Navy, the member's Personal Financial Record is forwarded to the central site-Navy Finance Center, Cleveland, where it is retained for approximately two months pending individual claims and is then forwarded to the Federal Records Center. The member's Master Pay Account is retained at the central site for six months following a member's separation or retirement at which time it is purged

from the computer file, microfilmed, and forwarded to the Federal Records Center. Substantiating documents are microfilmed and retained at the central cite for one year and then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Navy; Commander, Naval Military Personnel Command; Commander, Navy Accounting and Finance Center; and Commanding Officer, Navy Finance Center.

NOTIFICATION PROCEDURE:

Individuals can be informed of any records maintained within the system by identifying themselves to the Personnel Support Detachment servicing that Command. The member may identify himself by presenting his military identification card. Former members may request information from the Navy Finance Center, Cleveland.

RECORD ACCESS PROCEDURES:

Individuals, properly identified, may request any information pertaining to their pay from their Personnel Support Detachment. If the requested information is not available locally, the disbursing officer will obtain the information from other sources, i.e. member's previous duty stations or the Navy Finance Center, Cleveland.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned may be obtained from the SYSMANGER.

RECORD SOURCE CATEGORIES:

Local Personnel Support Detachments and other disbursing and personnel offices, the Veterans Administration, the Navy Military Personnel Command, various taxing agencies, individual members and recipients of allotments and various Navy procedures and entitlements manuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07220-6

SYSTEM NAME:

Midshipman Pay System

SYSTEM LOCATION:

Primary - Superintendent, Naval Academy, Annapolis, MD 21402; decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, D.C. 20371, Commanding Officer, Navy Finance Center, Cleveland, OH 44199, and Commander, Naval Military Personnel Command

(Code H-13), Navy Department, Washington, D.C. 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Midshipmen of the U.S. Naval Academy, Annapolis, Maryland.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains automatic data processing pay accounts of all Naval Academy Midshipmen. Document flow is controlled by use of a Midshipmen Payroll Change form. Controls over the system are maintained by use of a Midshipmen Payroll Control Register. Input source documents include (1) letter authority from the Superintendent to the Midshipmen Pay Offices to open the pay (2) documents to substantiate credits of advances for initial clothing and equipment issues, commuted rations, refunds for clothing turn-in, and discharge payments (3) letters from the Commandant of Midshipmen to the Midshipmen Pay Officer containing listings of names and amounts to be checked for personnel services (4) documents to substantiate checkages for liquidation of clothing and equipment advances, store bills of midshipmen subscriptions to magazines, musical concerts, etc., and (5) required deductions for Federal Tax and FICA Tax. Output documents include printouts of (1) Midshipmen Monthly Pay Accounts (2) Midshipmen Debit and Credit Explanation Register and (3) Midshipmen Yearly Pay Account. Payroll money lists which substantiate payments made and travel payment vouchers are also in files. Monthly financial returns are submitted to the Navy Regional Finance Center, Washington, D.C. for consolidation with the accounts of that office and are then forwarded to the Navy Finance Center Cleveland, Ohio in accordance with procedures prescribed in NAVCOMPT Manual, par. 048090. Copies of the financial returns are therefore, on file in these offices. In addition, copies of documents supporting Federal Income and FICA Taxes withheld are forwarded to the Commander, Naval Military Personnel Command (Code H-13).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act Amendments of 1949 (10 U.S.C. 5060).

PURPOSE(S):

To accurately and efficiently maintain the pay accounts of Naval Academy Midshipmen; to pay and account for payments and collection of Naval Academy Midshipmen.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Internal Revenue Service and the Social Security Administration for reporting wages, FICA tax and federal tax paid.

To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Midshipmen Pay Office - Computer print-outs. ADP Office - Computer magnetic tapes.

RETRIEVABILITY:

Retrieved by Alfa Codes assigned to each midshipmen.

SAFEGUARDS:

Only Midshipmen Disbursing Office personnel are authorized access to records of that office. Only the computer operations are authorized access to the computer tapes. The computer area is restricted and computer tapes are locked in fireproof safes when not in use.

RETENTION AND DISPOSAL:

Pay information on the computer tapes is retained for 30 days and the tapes are then reused. Tapes containing Federal Income Tax and FICA Tax information are retained for 1 year until the required reports are rendered. The tapes are then reused. Retained copies of Midshipmen Pay Office forms are disposed of as follows: 1. Midshipmen Payroll Control Register - retain for 2 years and destroy. 2. Midshipmen Payroll Change - retain for 6 months and destroy. 3. Midshipmen Monthly Pay Account - retain for 4 years, from admission of each class through month following its graduation and destroy. 4. Midshipmen Debit and Credit Explanation Register - same as 3, above. 5. Midshipmen Yearly Pay Account - same as 3, above. Other disbursing records and financial returns are retained 4 years follow period covered by the account and transferred to the Federal Records Center in accordance with SECNAV Instruction P5212.5b.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedures - Comptroller of the Navy; primary - Superintendent, Naval Academy; decentralized segments - Commanding Officer, Navy Regional Finance Center,

Washington, D.C., Commanding Officer, Navy Finance Center, Cleveland, Ohio and Chief of Naval Personnel (Code H-13) Washington, D.C.

NOTIFICATION PROCEDURE:

Individuals can be informed of any records maintained in the system by identifying themselves to Midshipmen Pay Office. Members must present his identification card to obtain requested information.

RECORD ACCESS PROCEDURES:

Midshipmen are issued a monthly earnings statement. All information concerning credits and checkages of pay and allowances are contained in the statement. Additional required information relative to miscellaneous changes reflected on the statement may be obtained from the individual Academy activity which reported the changes to the Midshipmen Pay Office upon presentation of his identification card.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individuals concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Members service record on file in the Midshipmen Personnel Office and those documents contained in RECORD-CATEGORY, above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

NO7220-7

SYSTEM NAME:

Travel Pay System

SYSTEM LOCATION:

Decentralized, maintained by Navy disbursing offices; a list is available from:
Commander
Navy Accounting and Finance Center (NAFC-44)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person, government or private, who submits a request for payment of a travel advance or travel claim to a Navy disbursing office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Public vouchers; substantiating documents such as travel orders and expense receipts; card file or log book; automated records stored on magnetic program cards, tapes, disks, drums or

punched cards utilized to control receipt and disposition of travel claims; suspense files, pay adjustments authorization, and payroll checkages utilized for control and follow-up on travel advances; debtor information records; and correspondence relating thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To reimburse any person, government or private, for travel expenses and to record, account and report for government funds. To provide a historical file and audit trail for travel payments made by the Navy; to provide a means to respond to inquiries from travelers on status of claims; to control travel advances to insure liquidation; and to provide a means for collection in cases of over advances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a(b)(12)), debtor information may be released to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic program cards, disk, tape, hard copy forms, paper records in file folders, index cards or log books.

RETRIEVABILITY:

Travel claims which are computed with automatic data processing equipment are retrieved by using the SSN. Manually computed travel claims are retrieved by disbursing office voucher number and SSN. Card index files and log books are retrieved by name and SSN.

SAFEGUARDS:

The safeguards in the automated system include the following controls: (1) Physical access to video display terminals is under strict supervisory control, (2) Access to the computer

peripheral equipment, program cards, tapes and disk storage is strictly controlled. (3) Individual user identification codes and passwords are used to control access to automated records. (4) Reports are issued that are used to help monitor the system to determine individuals who are accessing data. (5) Output products and storage media are stored in locked cabinets or rooms with building or military base security. (6) Positive identification is established prior to releasing personal information to an individual, and (7) Output products and storage media are labeled to warn individuals that they contain personal information subject to the Privacy Act (e.g., Personal Data-Privacy Act of 1974). Access is authorized to personnel engaged in travel claim processing, supervisory or management personnel, and inspectors, auditors, investigators. Travelers are authorized access to their own travel records; fund administrators are authorized access to records pertaining to their own funds.

RETENTION AND DISPOSAL:

The automated record is retained no longer than one year following the final settlement of a travel claim. Records recorded on magnetic program cards, tapes, disks, and drums will be disposed of by degaussing or erasing. A history/inactive hard copy file is maintained no longer than four years. Records may be moved to a regional Federal Records Center depending on local storage capability.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Accounting and Finance Center, (Code NAFC-44), Washington, DC 20376. A list of the Navy disbursing offices is available from the Systems Manager.

NOTIFICATION PROCEDURE:

If the individual is a traveler and knows the location of the Navy disbursing office processing his/her travel claim, direct contact with that office is sufficient. If unknown, or the inquirer is not a traveler, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requestor should provide full name, social security number, whether military or civilian, and, if possible, disbursing office voucher number, dates of travel, and date and location of travel claim or travel advance submission. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an advance or claim. Military identification card or civilian

identification such as driver's license is sufficient.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Travel advances and travel claims are filed by individuals who provide information (name, SSN, etc) on themselves. Supporting documentation is obtained from the associated travel order, employing commands, service providers (e.g., receipt of taxis), and Navy disbursing offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07230-1

SYSTEM NAME:

Navy Standard Civilian Payroll System (NAVSCIPS)

SYSTEM LOCATION:

Decentralized, maintained by 72 Navy and 1 Marine Corps civilian payroll offices; a list is available from: Commander Navy Accounting and Finance Center (NAFC-42) Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees who are employed by Navy and Marine Corps Activities and are paid from appropriated funds

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual civilian pay records, retirement records and leave records, applications for leave; overtime authorizations; substantiating documents such as personnel action forms effecting new appointments, separations, promotions, demotions, and deduction changes; Internal Revenue Service Form W-4; State and City tax information; authorizations for deductions, i.e., savings bonds, group life insurance, health benefits, overpayments, indebtedness to the Government; court orders for garnishment of wages for child support and alimony payments; allotments, i.e., union dues, charity contributions, savings allotments, special allotments for overseas employees; tax levies; claims; award payments; special pay;

allowances and differentials, and case files which contain requests for waiver of erroneous payment of pay for civilian employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5301, Pay Rates and Systems, Pay Comparability System Policy

PURPOSE(S):

To pay Navy and Marine Corps civilian employees, maintain leave and retirement records and to record, report and account for government expenditures for personal services. To provide time and attendance information to individual employees and management; and to provide audit trails for GAO, Navy Area Audit, and internal audit procedures; to provide federal, state, and city tax information to appropriate authorities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Office of Personnel Management related to retirement information and monies for computation of annuities. Provides other data, as required for special studies.

To officials and employees of the Department of the Treasury in connection with check issuances.

To officials and employees of the Veterans Administration regarding Disability or Severance Pay Entitlement.

To officials and employees of the Social Security Administration for FICA and FITW wage reporting.

To state and local tax authorities for computing or resolving tax liability.

To state employment agencies which require wage information to determine eligibility for unemployment compensation benefits of former employees.

To financial organizations to provide lists of those employees who make deposits and the amount of the deposit to each financial organization.

To officials of labor organizations who are recognized under E.O. 11491, as amended, with information as to the identity of employees contributing dues each pay period and the amount of dues withheld from each contributor.

To the General Accounting Office, for waiver of overpayments of pay which are forwarded to them for adjudication.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disc, microfilm/microfiche and punched cards. Manual records on manual card files and in file folders.

RETRIEVABILITY:

By name, social security number, or locally assigned identification number.

SAFEGUARDS:

Locked fireproof cabinets for retirement records. Metal cabinets for manual payroll and leave records within locked rooms. The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to personnel engaged in payroll processing, auditors, investigative officials and management personnel.

RETENTION AND DISPOSAL:

Payroll records are maintained on-site for 6 years, then shipped to Federal Record Center where they are retained for 56 years.

Leave Records - same as above, except held by Federal Record Center for 10 years.

Retirement Registers - same as above, except are destroyed rather than sent to Federal Record Center. Retirement records are maintained until employee separates; if he/she goes to another Navy or Marine Corps activity, retirement records are sent to that activity; if he/she goes to another agency or separates, sent to OPM.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedure for the Civilian Payroll System are established by the Commander, Navy Accounting and Finance Center, Washington, D.C. 20376. A list of the system managers by payroll activity is available from Navy Accounting and Finance Center (NAFC-42).

NOTIFICATION PROCEDURE:

Civilian employees can directly contact the system manager of his payroll activity. If unknown, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requestor should provide full name, social security number, identification number, if applicable, activity where employed and information desired. An individual can visit his/her payroll office on any matter concerning his/her pay.

RECORD ACCESS PROCEDURES:

Employees have access to their individual pay, leave and retirement records. The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Standard Form 50's (Personnel actions), time and attendance records, applications for leave and overtime authorizations, retirement records, federal state and tax forms, deduction authorizations, allotment authorizations, court orders for garnishment of wages for child support and alimony payments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07240-1

SYSTEM NAME:

Commercial Invoice Payments History System

SYSTEM LOCATION:

Decentralized, maintained by Navy disbursing offices; a list is available from:
Commander
Navy Accounting and Finance Center (NCF-5)
Washington, D.C. 20376

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, government or private, who submits a request for payment to Navy disbursing offices for goods and/or services rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Public vouchers; substantiating documents such as invoices, receipt documents, inspection reports, procurement instruments, contract index files, assignment documents, machine listings, government bills of lading, transportation requests, meal tickets; magnetic tape, disk files, roll microfilm, microfiche; and related correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To provide a record of all disbursements made on commercial invoices by Navy disbursing offices;

provides an audit trail of commercial invoice payments made by the Navy; provides a means to respond to inquiries from individuals on status of invoices and contracts; provides a means of detecting and precluding duplicate payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes; roll microfilm, microfiche.

RETRIEVABILITY:

Retrieved by disbursing office voucher number for paid invoices; retrieved by procurement instrument identification number for contractors by contract index cards; retrieved by name of individual from machine listings. Information in disbursing office voucher file-and microfilm/microfiche can be retrieved by name through search process if billing/submission date is known.

SAFEGUARDS:

Locked cabinets or rooms, with building or military base security. Access authorized to designated personnel engaged in commercial invoice processing, supervisory or management personnel, and inspectors, auditors, investigators. Individuals are authorized access to their own payment history file; fund administrators are authorized access to records pertaining to their own funds.

RETENTION AND DISPOSAL:

Records are maintained for four years. Records may be moved to a regional Federal Records Center depending on local storage capability. No standard means for destruction exists.

SYSTEM MANAGER(S) AND ADDRESS:

Commercial invoice payment history requirements are prescribed by the Comptroller of the Navy in its Manual (NAVSO P-1000); a list of Navy disbursing offices authorized to pay invoices can be obtained from the Commander, Navy Accounting and Finance Center (NCF-5), Washington D.C. 20376.

NOTIFICATION PROCEDURE:

If the individual knows the location of the Navy disbursing office holding his/her invoice payment history, direct contact with that office is sufficient. If location is unknown, the inquiry should be directed to the Commander, Navy Accounting and Finance Center, address above. Inquirer should provide full name, social security number, whether military or civilian, contract or purchase order number and, if possible, disbursing office voucher number, invoice date, number and amount. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an invoice for payment. Identification should include military identification card, civilian identification such as driver's license and company or agency affiliation. Access to classified contracts requires confirmation of security clearance and need to know.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Commercial invoices are filed by individuals who provide information on themselves. Supporting documentation is obtained from employing company, material/service providers and receivers and Navy disbursing offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07300-1

SYSTEM NAME:

Relief of Accountable Personnel From Liability For Losses of Public Funds

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 12), Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Accountable Navy and Marine Corps military and civilian disbursing personnel and collection agents who request relief from liability for losses of public funds in their custody.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of requests submitted by individuals of the above-stated category

for grant of relief from liability, together with information voluntarily furnished by the affected individuals concerning the circumstances of losses of funds in their custody, and additional information derived from investigatory and audit reports and comments of forwarding endusers concerning circumstances of losses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 95a., 82a-1, 82a-2;
5 U.S.C. 301
44 U.S.C. 3101

PURPOSE(S):

To determine within the Department of the Navy and GAO as to whether the circumstances of particular losses of public funds warrant granting accountable individuals' requests for relief from liability.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in file folders.

RETRIEVABILITY:

By name of individual requesting relief.

SAFEGUARDS:

Files are maintained in file cabinets under the control of personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after three years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall St., Alexandria, Va. 22332

NOTIFICATION PROCEDURE:

Information may be obtained by written request to the system manager

stating the full name of the individual concerned and the approximate date on which relief was requested. Written requests must be signed by the requesting individual. Visits may be made to: Civil Affairs Division (Code 12), Office of the Judge Advocate General, Room 9N11, Hoffman Bldg II, 200 Stovall St., Alexandria, Va. 22332. Armed forces identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is furnished partly by the individual requesting relief, and is supplemented by reports of Department of the Navy audits and investigations pertaining to the particular losses of funds involved. Additional amplifying information is typically furnished by officers forwarding requests to the Secretary of the Navy.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07300-2

SYSTEM NAME:

Resource Accounting and Project Tracking System (RAPTS)

SYSTEM LOCATION:

Navy Fleet Material Support Office, P. O. Box 2010, Mechanicsburg, Pennsylvania 17055.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All currently employed civilian and military personnel of the Navy Fleet Material Support Office. May include private contractors who work on Navy Fleet Material Support Office projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, social security number, pay number, grade, step, job title, job series, military or civilian designator, organizational code, leave schedule, hourly rate of pay, civilian position description number, pay plan, veteran preference, service computation date, supervisory designator, tenure group, exemption code, target grade.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

PURPOSE(S):

To monitor the current status of projects under development at the Navy Fleet Material Support Office; to report status and labor charges against functional cost accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on magnetic disk, magnetic tape and hard copy forms.

RETRIEVABILITY:

RAPTS users obtain information by means of query or standard batch reports. Data may be indexed by any data items with entry keys using employee organization, sort key and employee initials.

SAFEGUARDS:

Access to computer room after hours is controlled by card key and pass number locking device. The system is protected by the following software feature: password sign-on.

RETENTION AND DISPOSAL:

All active records are stored on random access files. Once a project is complete, all data for that project is moved to a history file which is maintained on magnetic tape. Project record data is maintained for three years in the history file. After three years the project record will be erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Fleet Material Support Office, P. O. Box 2010, Mechanicsburg, Pennsylvania 17055.

NOTIFICATION PROCEDURE:

Information should be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the civilian personnel files of the Consolidated Civilian Personnel Office, Mechanicsburg, Pennsylvania and from the individual to whom it applies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N07320-1

SYSTEM NAME:

Property Accountability Records

SYSTEM LOCATION:

At all activities

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Department of the Navy employee (military or civilian) receiving government property for which he must sign a receipt.

CATEGORIES OF RECORDS IN THE SYSTEM:

The receipts maintained are any of the following: logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge cards, or any other statement of individual accountability for receipt of government property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301

PURPOSE(S):

To identify individuals to whom government property has been issued.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The receipts may be maintained in any of the following formats: logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign

out forms, photographs, charge out cards or any other statement of individual accountability for receipt of government property.

RETRIEVABILITY:

Retrievability may be by any of the following: name, badge number, tool number, property serial number, or any other locally determined method of property receipt accountability.

SAFEGUARDS:

The receipts are unclassified.

RETENTION AND DISPOSAL:

Retention of receipts for property is at the discretion of the local activity responsible for the property being issued.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy official: no designated official. The system manager is the commanding officer or officer in charge of the activity where the property accountability records are maintained.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether system records contain information pertaining to them may do so by making application to the commanding officer or officer in charge of the activity where the receipts are located. Individuals making application must have a Department of the Navy approved identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is collected directly from the subject individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07401-1

SYSTEM NAME:

Bingo Winners

SYSTEM LOCATION:

Decentralized, maintained at Navy and Marine Corps stateside and overseas bases, where bingo is authorized and played. Inquiries should

be addressed to the local activity or to the:

Chief of Naval Personnel (Pers-7)
Bureau of Naval Personnel
Washington, D.C. 20370 (for naval activities); and the
Commandant of the Marine Corps (MSMS)
Washington, D.C. 20380 (for Marine Corps activities).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual U.S. citizens 18 years of age and older who are paid monies/prizes of \$1,200 or more for one-time winnings associated with bingo.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bingo payout control sheet indicating individual name, grade, SSN, duty station, dates and amounts of bingo monies paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031; Section 6041, Internal Revenue Code; BUPERSINST 1710 series; Manual for Messes Ashore, NAVPERS 15951; MCO P-1745.15 series; and NAVSO P-3520.

PURPOSE(S):

Navy and Marine Corps shore activities use this file (where bingos have been authorized) to account for and control monies and items of merchandise paid to individual winners of bingo games and as a basis for IRS Forms W-2G and 5754, reporting on individuals whose one-time winnings are \$1,200 or more. To provide a means of paying, recording, accounting for, reporting, and controlling expenditures and merchandise inventories associated with bingo games.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file cabinets located in a secure area.

RETRIEVABILITY:

Individual control sheets. Individual IRS Form W-2G by name and SSN.

SAFEGUARDS:

Records are kept in occupied rooms which are locked during non-working hours.

RETENTION AND DISPOSAL:

Records are maintained on site for 3 years and then shipped to the Federal Records Center in accordance with SECNAVINST 5212.5 series.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedures for the bingo operations are contained in NAVSO P-3520, BUPERSINST 1710 series and MCO P-1746.15 series. A list of system managers by activity is available from the Chief of Naval Personnel (Pers-7) for Navy managers and the Commandant of the Marine Corps (MSMS) for Marine Corps managers.

NOTIFICATION PROCEDURE:

Individuals are notified via IRS Form W-2G if their one-time bingo winnings are \$1,200 or more. An individual can contact the applicable systems manager on matters concerning their bingo winnings.

RECORD ACCESS PROCEDURES:

Individuals have access to information applicable to their individual bingo winnings. Officials such as the IRS have access to information applicable to all bingo winners. Access is through the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Bingo payout control sheets.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07430-1

SYSTEM NAME:

Accounts Receivable System

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been paid more funds by the Department of the Navy than to which they were legally entitled.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation which established overpayment status, financial status affidavit, payment record, credit reference, and miscellaneous correspondence to and from the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

80 Stat 308 and 88 Stat 393, Federal Claims Collection Act of 1966 (P.L. 89-508) and Debt Collection Act of 1982 (Pub. L. 97-365).

PURPOSE(S):

To maintain an automated tracking and accounting system for individuals indebted to the Department of the Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

If any account is delinquent and circumstances warrant, records may be released to the General Accounting Office and the Department of Justice for collection action. Data on individuals with delinquent accounts may be given to credit reporting agencies for the purpose of either adding to a credit history file or obtaining a credit history file; to asset reporting agencies for obtaining an asset report; and, to commercial collection agencies for collection action, in accordance with Debt Collection Act of 1982 (Pub. L. 97-365).

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, magnetic tape, disc, microfiche

RETRIEVABILITY:

Social security number and individual's name

SAFEGUARDS:

Personnel screening, requester codes

RETENTION AND DISPOSAL:

Files of accounts which are paid in full will be maintained for 3 years after final payment. Other files will be maintained for 6 years after termination of collection action.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to the system manager at the above address. Information request must contain individual's full name and should include the Social Security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing officers, credit bureaus, the individual, Internal Revenue Service, Postmasters, Veterans Administration, Bureau of Motor Vehicles.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N07431-1

SYSTEM NAME:

Savings Deposit

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy members still declared missing in action in the Vietnam conflict.

CATEGORIES OF RECORDS IN THE SYSTEM:

Members records reflecting account balances

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 89-538

PURPOSE(S):

To credit interest and to clear accounts upon termination. Records will be furnished to Navy Family Allowance Activity and other Department of Defense agencies servicing families of persons still having active accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Internal Revenue Service upon termination of account.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape and file folders

RETRIEVABILITY:

Social security number and member name

SAFEGUARDS:

Guards, personnel screening, and specific requestor codes

RETENTION AND DISPOSAL:

Upon closing of account, records are shipped to FRC and destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199

NOTIFICATION PROCEDURE:

Individuals may write to system manager at above address. Only the member or executor or beneficiary of estate will be provided information. Individual's name and social security number are required. Persons wishing to view records in person must report to the Navy Family Allowance Activity, Room 967, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's initial request, adjudicators in Central Accounts Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N07600-1

SYSTEM NAME:

NIF RDT&E Standard Automated Financial Systems (STAFS)

SYSTEM LOCATION:

Naval Industrial Fund Research, Development, Test and Evaluation Activities (NIF RDT&E): (1) Naval Air Development Center (NADC), Warminster, Pennsylvania; (2) Naval Coastal Center (NCSC), Panama City, Florida; (3) Naval Surface Weapons Center (NSWC), Dahlgren, Virginia; (4) David W. Taylor Naval Ship Research and Development Center (DTNRDC), Bethesda, Maryland; (5) Naval Ocean Systems Center (NOSC), San Diego, California; (6) Naval Underwater Systems Center (NUSC), Newport,

Rhode Island; (7) Naval Weapons Center (NWC), China Lake, California; (8) Naval Air Engineering Center (NAEC), Lakehurst, New Jersey; (9) Naval Air Propulsion Center (NAPC), Trenton, New Jersey; (10) Naval Air Test Center (NATC), Patuxent River, Maryland; (11) Pacific Missile Test Center (PMTTC), Pt. Mugu, California; (12) Civil Engineering Laboratory (CEL), Pt. Hueneme, California; and (13) Naval Research Laboratory (NRL), Washington, DC. Official mailing addresses are in the Navy's Address Directory in the appendix to the Navy Department's systems notices appearing in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective military personnel assigned to, and civilian personnel employed by the 13 activities listed above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel, payroll, travel and locator records, and work history for billing for services provided to other naval activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 2208, Title IV

PURPOSE(S):

To prepare rosters and locator lists; to contact appropriate personnel in emergencies; for continuity of operations, planning and execution of functions; to make determinations of clearance for access control, budget and manpower control; to maintain minority and occupation statistics, labor costing, customer billing, watch bill preparation, civilian grade control, and similar administrative uses requiring personnel information; to reimburse travelers for travel expenses; to maintain a historic file and audit trail for payments made by the Navy; to respond to inquiries from travelers on status of claims; to control travel allowances and pay; to record and account for government expenditures for personal services of Navy employees; to maintain time and attendance information, and federal, state, and city tax information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, magnetic tape, magnetic disc.

RETRIEVABILITY:

By name, SSN, organization, job order, values and ranges of values, other relationships defined by the system manager.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Records are retained locally for two years, shipped to remote storage for four years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to system manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, other records of the activity concerned, other records of activity supervisors, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N08370-1

SYSTEM NAME:

Weapons Registration

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals registering firearms or other weapons with station security officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Weapon registration records, weapon permit records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To assure proper control of weapons on Naval installations and to monitor and control purchase and disposition of weapons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of activity, investigators, witnesses, correspondents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N09593-1

SYSTEM NAME:

Naval Environmental Training System (NETS)

SYSTEM LOCATION:

Naval Energy and Environmental Support Activity/Facilities Support Office (NEESA/FACSO), Naval Construction Battalion Center, Port Hueneme, California 93043.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy sewage treatment operators, and water treatment operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

The NETS contains both data on treatment plants and treatment plant operations. Data includes social security number, name, treatment plant number and location, operators grade/rank, certification level, level of education, job experience (past and present), job title and number of years in direct responsible charge for the treatment plant(s). Additional data covers operator training, such as course number, title, content, location, total course hours, and date completed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12088 of 13 October 1978

PURPOSE(S):

To monitor the current status of Navy water/wastewater treatment plants and its operators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on magnetic disks, tapes and hard copy forms.

RETRIEVABILITY:

Users obtain information by means of a request via the NEESA Office, Port Hueneme, California.

SAFEGUARDS:

Access to the Construction Battalion Center is restricted at all times. The system is protected by the following software features: password sign-on, set and item authority for list, add, delete and update.

RETENTION AND DISPOSAL:

All data on a particular individual is maintained until he/she retires, dies or changes career. Data is updated every year. Records are retained on magnetic tapes. Records are erased from the tape during system updates if applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Facilities Engineering Command, (Code 112), 200 Stovall Street, Alexandria, Virginia 22332.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Data collected from each individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N10140-1

SYSTEM NAME:

Ration Card, Luxury Permit Record Cards

SYSTEM LOCATION:

Commander, U.S. Naval Activities, United Kingdom, Box 60, FPO NY 09510

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer, Enlisted and civilian component personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

Ration Card/Luxury Permit holders are entered on a 5'X8' color coded cards, which are contained in boxes and maintained alphabetically. Ration Cards/Luxury Permit are registered in log, showing name of individual and number of Ration Card/Luxury Permit issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To establish strict control over persons entitled to acquire tax-free ration items; to ensure entitled personnel do not obtain more than one ration card/luxury permit, and for inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdom, with whom Ration Card and Luxury Permits program was originally negotiated by the U.S. military authorities. Accredited members of the Naval Investigative Service Office may have access, upon request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

All Ration Card/Luxury Permit records maintained on 5'X8' cards filed and listed in numerical order in logs.

RETRIEVABILITY:

Name

SAFEGUARDS:

Records held in file cabinets in space maintained by Enlisted Personnel Office during working hours and locked after working hours.

RETENTION AND DISPOSAL:

All records maintained for duration of tour of personnel concerned. Thereafter destroyed when ration card/luxury card destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Naval Activities, United Kingdom, Box 60, FPO NY 09510

NOTIFICATION PROCEDURE:

Personnel presenting a valid military identification card or Department of Defense identification card at this office, can obtain viewing of all records pertaining to themselves. No procedures

exist for providing this type of information by mail, nor is it normally required by individuals.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Not applicable

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N10140-2

SYSTEM NAME:

Privately-owned Tax-free Vehicle Record Cards. Tax-free Gasoline Record Cards.

SYSTEM LOCATION:

Commander, U. S. Naval Activities, UK, FPO NEW YORK 09510

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers, enlisted and civilian component personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Privately-owned tax/free vehicles and owners are entered on type-written 8' x 5' white cards, which are contained in boxes and maintained alphabetically. Gasoline coupon records are maintained on individually-completed green 8' x 5' cards (3AF Form 43) and filed alphabetically. I.D. windscreen stickers registered in log, showing name of individual and sticker number allocated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To establish strict control over persons entitled to acquire tax-free vehicles; to ensure entitled personnel do not obtain gasoline coupons in excess of their entitlement, and for inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdom, with whom the tax-free vehicle and gasoline program was originally negotiated by the U. S. military authorities. Accredited members of the Naval Investigative Services Office may have access, upon request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All vehicle and gasoline records maintained on 8' by 5' cards. I. D. Stickers listed numerically in register.

RETRIEVABILITY:

-Name.

SAFEGUARDS:

Records held in file cabinets in space maintained by Law Center personnel when unsecured and locked when not so monitored.

RETENTION AND DISPOSAL:

All records maintained for duration of tour of personnel concerned. Thereafter destroyed when vehicle shipped out of the country or scrapped. Gas coupon records destroyed upon turn-in of unused coupons on departure of personnel.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U. S. Naval Activities, UK (Staff Judge Advocate)

NOTIFICATION PROCEDURE:

Individuals presenting a valid military identification card or Department of Defense identification at the Office of the Staff Judge Advocate, U. S. Naval Activities, U. K., can obtain viewing of all records pertaining to themselves. No procedures exist for providing this type of information by mail, nor is it normally required by individuals.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application by member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N10140-3

SYSTEM NAME:

Individual Merchandise Control Record

SYSTEM LOCATION:

Merchandise Control Offices:
U.S. Naval Station, Subic Bay, RP
U.S. Naval Air Station, Cubi Point, RP
U.S. Naval Communications Station Philippines, San Miguel, RP, and
3D Combat Support Group, Clark Air Base, RP.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual records are maintained on each person issued a ration card for purchasing purposes at the various bases in the Philippines.

CATEGORIES OF RECORDS IN THE SYSTEM:

Purchases of individuals while attached for duty and authorized to buy items during their tenure in the Philippines.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Bases Agreement and subsequent exchange of notes between the Governments of the United States of America and the Republic of the Philippines.

PURPOSE(S):

To monitor the purchases of individuals to insure they are not over expending their purchase limitations or abusing their tax-free privileges afforded them, plus to identify any possible blackmarketeering.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Name

SAFEGUARDS:

Only authorized employees allowed access to files, locked cabinets.

RETENTION AND DISPOSAL:

If no violations during tour - destroyed immediately upon detachment; if minor violations - destroyed after three months of detachment; if permanent revocation

of privileges invoked - record kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Merchandise Control Officers,
U.S. Naval Station, Subic Bay; U.S. Naval Air Station, Cubi Point; U.S. Naval Communications Station Phil, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP.

NOTIFICATION PROCEDURE:

Individual must fill out merchandise control information form upon requesting a ration card be issued. Info provided merchandise control officers. Requester must provide merchandise control officer with his name, rank/rate/GS rating, marital status, number of dependents, age of dependents, name of parent command attached to in the Philippines, social security number, name of dependents; individual can visit merchandise control office applicable to their command for record maintenance. Military ID card required.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Personal data of individual and dependents

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N10140-4

SYSTEM NAME:

USAREUR/USAFE Ration Card

SYSTEM LOCATION:

U.S. Naval Radio Station, FPO New York 09516.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USN personnel and their dependent wives and children over 18 years of age, who are stationed at U.S. Naval Radio Station, FPO New York 09516.

CATEGORIES OF RECORDS IN THE SYSTEM:

File sheet with members name, rate, serial no., and organization assigned. Also if member is single or married.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

PURPOSE(S):

To record the individuals holding a ration card.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Locked safe in Admin Office and a 24 hour security watch.

RETENTION AND DISPOSAL:

Records are maintained as long as member retains ration card. After transfer records are burned.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, U.S. Naval Radio Station, FPO New York 09516 is overall policy official with the Administrative Officer, U.S. Naval Radio Station, FPO New York 09516 as the subordinate holder.

NOTIFICATION PROCEDURE:

Inquiries could be addressed to U.S. Naval Radio Station, FPO New York 09516, giving full name and social security number, and personal visitors must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license. Visitors may come to the Administrative Office at the address given under SYSMANAGER.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Applicable U.S. Serviceman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N10140-6

SYSTEM NAME:

Gasoline Ration System

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel stationed aboard NAVWPNSFACDET Machrihanish who own private vehicles and wish to purchase Navy Exchange Gasoline.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record on each individual contains information on: vehicle description; dates of vehicle insurance, inspection and tax; United Kingdom address of individual and amount of gasoline allowed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC301

PURPOSE(S):

Information is used by Transportation Officer to allocate ration coupons to authorized personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Index cards in holder.

RETRIEVABILITY:

Name

SAFEGUARDS:

Locked in combination safe in an office which is locked when unmanned. Only Transportation Officer knows combination to safe.

RETENTION AND DISPOSAL:

Records are destroyed by shredding or burning approximately one year after transfer of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

NOTIFICATION PROCEDURE:

Individuals wishing to ascertain if records concerning them are still

retained may contact the System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information concerning vehicles, insurance, inspection and tax is copied from the appropriate document as provided by the individual. Other information is received from the individual directly.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N10140-7

SYSTEM NAME:

Application for U.S. Navy Ration Permit

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel stationed at NAVWPNSFACDET Machrihanish desiring to utilize U.S. Navy Exchanges in the United Kingdom.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record includes: Name, rank/rate, SSN, date of birth (if under 18), and marital status of serviceman; location, name, relationship, date of birth (if under 18) and ID card number of dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5USC301

PURPOSE(S):

To prepare ration cards used in U.S. Military Exchanges in the U.K. and to maintain a record in case of loss of those cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards in file box.

RETRIEVABILITY:

Name

SAFEGUARDS:

Maintained in an office that is locked when unmanned.

RETENTION AND DISPOSAL:

Cards are destroyed by shredding or burning upon transfer of serviceman.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO New York 09515

NOTIFICATION PROCEDURE:

Records are held only on personnel currently stationed at NAVAVNWPNSFAC Machrihanish who can enquire at the Administrative Office concerning the records.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The information is provided by the serviceman.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N10570-1

SYSTEM NAME:

Pet Registration

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners of pets residing on Naval property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Owner's name and pet tag.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To provide for registration of pets to ensure appropriate inoculations and assist in the identification of rightful owners.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, SSN, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Veterinary records and statements provided by pet owners.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N11012-1

SYSTEM NAME:

Navy Personnel Billeting System (NPBS)

SYSTEM LOCATION:

Navy Regional Data Automation Center, San Diego (NARDAC), Naval

Air, Station, North Island, San Diego, California 92135.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All bachelor military (officers and enlisted) and bachelor civilian personnel requesting berthing currently or in the future at a command where this system is installed may be covered by this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's social security number, name, duty station, forwarding address and home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031

PURPOSE(S):

To manage the BEQ/BOQ complex; to report status of berthing availability, furniture and maintenance associated with a BEQ/BOQ complex.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy reports.

RETRIEVABILITY:

Name and/or SSN.

SAFEGUARDS:

Access to computer room, software and storage media requires special positive identification clear through security department. System access from remote terminals is controlled by codes used site ID's.

RETENTION AND DISPOSAL:

An individual's reservation record is maintained on disk for six months and is then system deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Regional Data Automation Center, Requirements Analysis and Design Division, Code 41, Building 334, Naval Air Station, North Island, San Diego, California 92135.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting

individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies in the form of navy messages and/or travel orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N11101-1

SYSTEM NAME:

Family Housing Assignment Application System

SYSTEM LOCATION:

All Navy activities with family housing assets.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel eligible for or interested in occupying Navy family housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

All applicants for family housing provide information to housing office at next duty assignment pertaining to personal data, e.g., name, address, rank/rate, social security number/service number, length of service, time remaining on active duty, data of rank, etc.; dependency data, e.g., total number in family, spouse, age and sex of dependents, etc.; and other pertinent housing information, e.g., last assignment, months involuntarily separated, special health problems, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

All Navy family housing offices use this data to determine individual's eligibility for family housing and notification for subsequent assignment to family housing or granting a waiver to allow occupancy of private housing. To

determine and list individual's name on appropriate housing waiting list.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Housing files within the housing office, used solely within the housing organization and protected by military installation's security measures. Individual may, upon request, have access to housing application form.

RETENTION AND DISPOSAL:

Data is retained until termination of housing occupancy and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Military Personnel Command, PERS-71, 1000 North Glebe Road, Arlington, Virginia 20370

NOTIFICATION PROCEDURE:

Records are maintained by housing office at the Navy activity responsible for management of assets from data specifically provided by individual on DD Form 1646, Application for and Assignment to Military Family Housing. Individual may request access to such data upon proof of identity (ID card).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from installation family housing office.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N11101-2

SYSTEM NAME:

Family Housing Requirements Survey Record System

SYSTEM LOCATION:

Military installations with family housing offices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer and enlisted personnel and only key and essential civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Non-individual oriented input documents that reflect local housing assets; family housing survey questionnaires indicating family size, individual preference for housing, housing cost, and indication as to suitability of housing for need of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To determine the housing requirement for the location to support proposed family housing construction, leasing, mobile home spaces and other military construction programs submitted for OSD support and Congressional approval.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Housing files used solely within housing office; tape files used solely within data processing system; and protected by the military installation's security measures.

RETENTION AND DISPOSAL:

Held three years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy official: Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Virginia

22332. Subordinate record holders of questionnaires: family housing office at military installation.

NOTIFICATION PROCEDURE:

Contact housing office of installation at which individual was assigned when the individual completed the family housing questionnaire.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the installation family housing office.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N11101-3

SYSTEM NAME:

Family Housing Mock Utility Billing System

SYSTEM LOCATION:

Ten test sites: Pacific Missile Test Center, Point Mugu, California; Construction Battalions Center, Port Huememe, California; Public Works Center, Great Lakes, Illinois; Marine Corps Development and Education Command, Quantico, Virginia; Fort Eustis, Virginia; Fort Gordon, Georgia; Marine Corps Air Station, Beaufort, South Carolina; Little Rock Air Force Base, Arkansas; Cannon Air Force Base, New Mexico; Yuma Proving Grounds, Arizona; Central Processing Site: Harry Diamond Laboratories, White Oak, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and Civilian personnel occupying housing units selected at the ten test sites.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is to produce mock utility bills and management reports on the usage of gas, fuel oil, electricity, steam, propane, and hot water heat for a representative cross section of approximately 10,000 military family housing units. Information as to name, address, rank/rate, number of dependents, house phone number, account number and utility consumption

will be maintained for a 15 month period.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95-82 (Military Construction Authorization Act, 1978); 5 U.S.C. 301 Departmental Regulations.

PURPOSE(S):

To measure energy consumption in military family housing units.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Magnetic tape, disk, punched card, and file folders.

STORAGE:

Account number

RETRIEVABILITY:

Housing files are used solely within housing office; magnetic tape, punched card, and disk files used solely within the security measures.

SAFEGUARDS:

Held 5 years and destroyed by authority SECNAVINST P5212.5B, para. 11300.

RETENTION AND DISPOSAL:

Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Va 22332

SYSTEM MANAGER(S) AND ADDRESS:

Records are maintained by the housing office at the service activities participating in the test. Individual may request access to such data upon presenting proof of identity (ID) card.

NOTIFICATION PROCEDURE:

The agency's rules for access to records may be obtained from the installation family housing office.

RECORD ACCESS PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

Data collected from each individual and utility consumption data obtained from monthly meter readings.

RECORD SOURCE CATEGORIES:

None

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N11101-4

SYSTEM NAME:

Station Housing Records

SYSTEM LOCATION:

All Navy installations with housing inventories and/or housing management responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel desiring housing or temporary lodging, and eligible DOD civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records and data collected and maintained regarding individual housing or lodging needs; occupancy; furnishings inventory; housing condition reports; assignment and termination of housing; damage assessment; occupant and landlord relations and complaints; maintenance and repairs; waiting lists; inspections; quarters cost data; Congressional and Inspector General inquiries and responses; Servicemen's Mortgage Insurance Premiums payments; individual cost data for establishing and maintaining housing allowances; eligibility for homeowners' assistance; and entitlement for basic allowances for quarters (BAQ).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To operate and maintain the Navy Housing Program and to service personnel eligible for Navy family housing, temporary lodging, or services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files; microform; or, if automated, on punched cards, magnetic tape, etc.

RETRIEVABILITY:

By individual's name or building and unit number.

SAFEGUARDS:

Housing files within the housing office, used solely with the housing organization and offices providing support to housing office, and protected by military installation's security measures. Individual may, upon request, have access to such data.

RETENTION AND DISPOSAL:

Retained in office files until termination of occupancy, obsolete, no longer needed for reference, or disposal of associated housing unit(s).

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate Navy installation responsible for Navy housing inventory or housing support.

NOTIFICATION PROCEDURE:

Records are maintained by housing office at Navy installation responsible for management of assets or providing housing support. Individual may request access to such data upon proof of identity (ID card).

RECORD ACCESS PROCEDURES:

Installation rules for access to records may be obtained from installation housing office.

CONTESTING RECORD PROCEDURES:

The installation rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation system manager.

RECORD SOURCE CATEGORIES:

Data reported by or collected from occupants of housing or personnel provided housing support.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N11103-1

SYSTEM NAME:

Housing Referral Services Record System

SYSTEM LOCATION:

All Navy installations with housing referral offices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel reporting to an installation who will be residing off-base desirous of seeking off-base housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on DD Form 1668 from all military personnel reporting to a housing referral office as pertains to name, grade, branch of service, organization and location, local address; housing need, e.g., rental/sale, number of bedrooms, furnished/unfurnished, price range, etc.; number of dependents, male or female, and age; a list of housing referral services provided; and identification of member of racial or ethnic minority groups. Individuals provided referral assistance must in turn provide notification of housing selection by use of DD Form 1670 which includes such information as type of housing selected, e.g., location, temporary/permanent, rental/sale, cost, number of bedrooms; media through which housing was found, e.g., housing referral, realtor, newspaper, etc.; and satisfaction with selection, e.g., too small, too far; discrimination encountered; and satisfaction with housing referral services provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Department Regulations

PURPOSE(S):

Referral offices use data to assist and counsel individuals in locating suitable housing off-base, used for follow-up purposes when written notification from individual is not provided as to ultimate location of housing; used for purposes of reporting statistics on field activity housing referral services; used to follow-up on availability of rental unit subsequent to occupant's receipt of PCS orders; and follow-up regarding tenant/landlord complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File Folders

RETRIEVABILITY:

By individual's name

SAFEGUARDS:

Housing files within the housing referral or housing office, used solely within the housing organization and protected by military installation's security measures. Individual may upon request, have access to all such data.

RETENTION AND DISPOSAL:

Data is retained until individual's tour is completed and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Facilities Engineering Command (Code 08), 200 Stovall Street, Alexandria, Virginia 22332

NOTIFICATION PROCEDURE:

Records are maintained by housing referral offices at the Navy activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identity (ID card).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from installation family housing office.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the installation family housing office.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12290-1

SYSTEM NAME:

Record System for Civilian Employees of Nonappropriated Fund (NAF) Activities

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Washington, D.C. 20370; and local activity to which individual is assigned (see Directory of the Department of the Navy Mailing Addresses); National Personnel Records Center, St. Louis, Missouri 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of Nonappropriated Fund Activities under the cognizance of the Commander, Naval Military Personnel Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records pertaining to performance, employment, pay, classification, security clearance, personnel actions, medical, insurance, retirement, tax withholding information, exemptions, unemployment

compensation, employee profile, education, benefits, discipline and administration of nonappropriated fund civilian personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Department Regulations
Public Law 92-392
Fair Labor Standards Act, as amended

PURPOSE(S):

To manage, supervise, and administer the nonappropriated fund civilian personnel program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When required by Federal Statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche, or microfilm.

RETRIEVABILITY:

Records may be retrieved by name, social security account number and/or activity number.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with SECNAVINST P5212.5b, subj: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, D.C. 20370

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to: Commander, Naval Military Personnel Command, (Attn: Privacy Act Coordinator), Navy Department, Washington, D.C. 20370; or, in accordance with the Directory of the Department of the Navy Mailing Addresses (i.e., local activities).

The letter should contain full name, social security number, activity at which employed, and signature of the requestor.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex (FOB2), Rm 1066, Washington, D.C. for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and Department of Defense in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; previous employers; educational institutions; employment agencies; civilian and military investigative reports; general correspondence concerning individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12290-2

SYSTEM NAME:

Models for Organizational Design and Staffing (MODS)

SYSTEM LOCATION:

Chief of Naval Operations (OP-16), and Navy Department Staff, Headquarters, and field activities employing civilians; also at contractor facilities; mailing addresses are provided in the Navy Department directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated and manual files contain information on individual's proficiencies and knowledges as reported in self-evaluation questionnaires vouchered by the supervisor, as well as data on the requirements of specific jobs submitted by the supervisor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 301 Departmental Regulations

PURPOSE(S):

To test the operational usefulness of a staffing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Office of Personnel Management in the performance of their duties related to staffing and/or evaluation of civilian manpower programs.

To the University of Texas faculty and students working under a contract relating to MODS to monitor progress of research study.

To Carnegie-Mellon University faculty and students working under contract relating to MODS to assist in research project.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and drum, and optical scanner forms and computer printouts.

RETRIEVABILITY:

Accessed by social security number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained so long as personnel continue to work at same activity.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350 or

Manpower Management, Department of the Navy, Washington, D.C. 20390 or to the head of the Navy activity at which the individual is or was employed. Written requests for information must contain full name of individual, current verbal information that could be verified

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

First-line supervisors and personnel automated data system (PADS).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12300-1

SYSTEM NAME:

Employee Assistance Program Case Record System

SYSTEM LOCATION:

Chief of Naval Operations (Code 14), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Division; and navy staff, Headquarters and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

System is comprised of case records on employees who are patients (counselees) which are maintained by individual counselors and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other personal problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 93-282 (21 U.S.C. 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended

by Public Law 93-282 (42 U.S.C. 4582); Subchapter A of Chapter I, Title 42, Code of Federal Regulations.

PURPOSE(S):

Used by the Navy counselor in the execution of his/her counseling function as it applies to the individual patient (counselee).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of this recompilation do not apply to this system of records.

With specific written authority of the patient, selected information may be provided to and used by other counselors for the purpose of treatment and diagnosis of the patient.

To medical personnel to the extent necessary to meet a bonafide medical emergency.

To government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management of financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

To employers and patient representatives such as legal counsel, when disclosure is to the patient's benefit, such as for processing retirement applications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case records are stored in paper file folders.

RETRIEVABILITY:

By employee name or by locally assigned identifying number.

SAFEGUARDS:

All records are stored under strict control. They are maintained in spaces normally accessible only to authorized persons, normally in locked cabinets.

RETENTION AND DISPOSAL:

Records are purged of patient identifying information within five years after termination of counseling.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), and employee assistance program Administrators at Department of the Navy Staff, headquarters and field activity levels.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Chief of Naval Operations (OP-14) or to the appropriate employee assistance program administrator. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Counselors; other officials, individuals or practitioners; and other agencies both in and outside of Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12593-1

SYSTEM NAME:

Living Quarters and Lodging Allowance

SYSTEM LOCATION:

Overseas organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Appropriated and non-appropriated fund U.S. civilian employees eligible for allowance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, grade, address, rent and utility expenses, living quarters and lodging allowance, and name of family and/or members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive order number 10903 of 9 January 1961, Executive order number 10970 of 27 October 1961, Executive order number 10853 of 27 November 1959, and executive order number 10982 of 25 December 1961, as implemented by State Department regulation.

PURPOSE(S):

Used by civilian personnel office to record employee's living quarters or temporary lodging allowance entitlement. Other users include Naval Supply Depot Payroll Office, the employing office, disbursing office; Commander, Fleet Activities FPO Seattle 98762.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials of the Department of State for the purpose of monitoring the level of allowances that Navy is authorized.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

File folders maintained by surname.

SAFEGUARDS:

Personnel screening and visitor control.

RETENTION AND DISPOSAL:

Files retained for a period of two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Overseas commanding officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURE:

A copy of living quarters allowance is provided to each employee.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N12711-1

SYSTEM NAME:

Labor Management Relations Records System

SYSTEM LOCATION:

Chief of Naval Operations (Code 14), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), NCPC Field Division; and navy staff, headquarters and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution; Navy civilian employees involved in the filing of an Unfair Labor practice complaint which has been referred to the Federal Labor Relations Authority; union officials; union stewards; and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records comprise: Manual files, maintained in paper folders, manually filed by type of case and case number (not individual). Folder contains all information pertaining to a specific arbitration case or specific Unfair Labor Practice with whom Navy has dealings; field activities maintain manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 7101-7135

PURPOSE(S):

To manage the Labor-Management Relations Program, e.g.: administration/ implementations of arbitration awards; interpretation of P.L. 95-454 through 3rd party case decisions; national consultation and other dealings with recognized unions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit, or evaluation of Navy Civilian Personnel Management Programs.

To the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's Labor Management Relations Program.

To a duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS:

All manual files are accessible only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D. C. 20390.

NOTIFICATION PROCEDURE:

Request by correspondent should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D. C. 20390; field activities.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Navy civilian personnel offices; arbitrator's office; Office of the Assistant Secretary of Labor for Labor-Management Relations; union headquarters offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12771-1**SYSTEM NAME:**

Employee Grievances, Discrimination Complaints, and Adverse Action Appeals.

SYSTEM LOCATION:

Employee Appeals Review Board
Ballston Tower 2 801 N. Randolph St.
Arlington, Va. 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and present civilian employees of the Department of the Navy, and applicants for employment with the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The case files contain background material on the act or situation complained of; the results of any investigation including affidavits and depositions; records of personnel actions involved; transcripts of hearings held; Examiners' reports of findings and recommended actions; advisory memoranda from CNO, BUPERS, DOD, SYSCOMS; SECNAV decisions; reports of actions taken by local activities; comments by EARB or local activities on appeals made to EEOC; EEOC decisions, Court decisions, Comptroller General decisions. Brief summaries of case files are maintained on index cards

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Sections 1301, 3301, 3302, 7151-7154, 7301, and 7701

PURPOSE(S):

This information is used by the EARB to adjudicate cases. SYSCOMS, CNO and NCPC are internal users for informational/implementation purposes. Individual members acting on behalf of the individual involved are supplied with copies of decisions and other appropriate background material. Grievants and appellants are furnished

SECNAV decisions, with copies to their representatives. EEO complainants are furnished SECNAV decisions, with copies of the hearing transcripts and Examiners' reports; complainants' representatives are provided copies of SECNAV decisions on grievances and appeals. Activities involved in EEO complaints are provided copies of SECNAV decisions, hearing transcripts, and Examiners' reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the EEOC to adjudicate cases.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders and index cards.

RETRIEVABILITY:

Name

SAFEGUARDS:

Classified material kept in locked safe. Other materials are kept in file cabinets within the EARB Administrative Offices. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employees security guards.

RETENTION AND DISPOSAL:

Case files maintained for one year and sent to the Washington National Records Center, 4205 Suitland Rd, Suitland, Md. 20409; and maintained for four years. EEOC decisions and index cards are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, VA 22203.

NOTIFICATION PROCEDURE:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 N. Randolph St., Arlington, VA 22203. Must provide full name, employing office, and appropriate identification card.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial

determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in the file is obtained from former and present civilian employees of the DON, applicants for employment with the DON, employing activities, EEOC, NCPC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12771-2**SYSTEM NAME:**

Employee Relations Including Discipline, Employee Grievances, Complaints, etc.

SYSTEM LOCATION:

Chief of Naval Operations (OP-14), Naval Civilian Personnel Command (NCPC), NCPC Fields Divisions, Navy and Navy Staff Headquarters and Field Activities employing civilians, Commandant of the Marine Corps (Codes MPC-30/HQSG), and Marine Corps Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps civilian employees, paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist. discrimination complaints of Navy and Marine Corps civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. appeals of Navy and Marine Corps civilian employees paid from appropriated funds. Filipino employee appeal case files ('Filipinos who are lawfully admitted residents.') Cases reviewed by CINCPAC under Filipino Employment Policy Instructions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals. Management operation record system consisting of manual file maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and

tardiness, work assignments, and similar work related employee records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration, amended by Executive Order 10577 and Executive Order 12106; Executive Order 12107; 5 USC 1205, 1206, 1302, 3301, 3302, 7105, 7512, relevant portions of the Civil Service Reform Act, P.L. 95-454; 42 U.S.C. Sec 2000e-116 et. seq.; Equal Employment Opportunity Act of 1972, P.L. 93-259, amendment to the Fair Labor Standards Act, 29 U.S.C. Sec 201, et. seq.; Age Discrimination and Employment Act, 29 U.S.C. Sec 633a; the Rehabilitation Act of 1978 as amended, 29 USC 791 and 794a.

PURPOSE(S):

To manage civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To Representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy and Marine Corps civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Office of Personnel Management.

To appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints.

To disclose information on any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, to inform the source of the purpose(s) of the request and identify the type of information requested.

To disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary.

To the National Archives and Records Administration in records management

inspection conducted under authority of 5 U.S.C. 2904 and 2906.

To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding.

To officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are filed by last name.

SAFEGUARDS:

All records are stored under strict control, and are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records are destroyed upon separation of the employee from the activity, or in accordance with appropriate record disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350. For the Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), HQS, US Marine Corps (Arlington Annex), Washington, DC 20380

NOTIFICATION PROCEDURE:

Request of correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350, or the Commandant of the Marine Corps (Code M), HQS, US Marine Corps (Arlington Annex), Washington, DC 20380, commanding officers or heads of navy staff hqs and field activities. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Chief of Naval Operations (OP-14), of the Navy or USMC activity at which he or she is employed.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from SYSMANAGER.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12930-1

SYSTEM NAME:

Industrial Relations Personnel Records

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, N.Y. 10305 (Central Offices for all Navy Exchanges). Personnel records of employees of the central office and in the Navy Resale System activities employing Civilians paid from non-appropriated funds.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian Employees, former civilian employees and applicants for employment with the Navy Resale and Services Support Office and Navy Exchanges located worldwide. Employee categories paid from non-appropriated funds are: regular full time, regular part-time, temporary full time, temporary part-time and intermittent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel jackets, including but not limited to: Personnel Information Questionnaire, Personnel Action; Certification of Medical Examination; Indoctrination Checklist; Designation of beneficiary; death benefit; leave records; report of accident; notice of excessive absence and tardiness and warnings; disciplinary actions; certified record of court attendance; certified copy of completed military orders for any annual duty tours with recognized reserve organizations; employee job description; tuition assistance records; examination papers and tests, if any; evidence of date of birth, where required; official letters of commendation; cash register overage/shortage records; report of hearings and recommendations relative to employee

grievances; official work performance rating; designation of beneficiary for unpaid compensation; reference check records; applicant files; employee profiles; personnel security information (including copies of NSA and NIS reports); travel requests, travel allowance and claims record; transportation agreements; employee affidavit; privilege card application, work assignments, work performance capability, counseling records, work-related records, training records including courses, type and completion dates; and related data.

Labor and Employee Relations Records include: Notices of excessive absence, tardiness and warnings; disciplinary actions; unsatisfactory work performance evaluations; grievances, appeals, complaint and appeal records; reports of potential grievances and appeals; congressional correspondence; investigative reports and summaries of personnel administrative actions; data relating to Quality Salary Increase, Superior Accomplishment Recognition Awards, Beneficial Suggestions and similar awards; and personnel listings of the aforementioned services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031.

PURPOSE(S):

To provide a basis by which an employee or an applicant may be determined to be suitable for employment, transfer, promotion or retention in employment; for verification of employment; to provide a record of travel performed and verification that the employees receive proper remuneration for the travel performed; to insure employees received timely consideration in the processing of work/appraisals and salary increases; for recognition of accomplishments and contributions by employees, and in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To appeals officers and complaints examiners of the Equal Employment Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints.

To a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance

of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary.

To the National Archives and Records Administration in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906.

In response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding.

To officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: file folders; magnetic tapes; disks; punch cards; rolodex files; cardex files; ledgers; and printed reports.

RETRIEVABILITY:

Name and/or social security number; employee payroll number.

SAFEGUARDS:

Locked desks in supervisor's office and also locked cabinets in locked offices supervised by appropriate personnel; supervised computer tape library which is accessible only through the Computer Center (entry to the computer center is controlled by a combination lock known by authorized personnel only; security guards.

RETENTION AND DISPOSAL:

Current employee records remain on file at the appropriate personnel offices; records on former employees are retained for one year and then forwarded to the Federal Records Center, St. Louis, Mo. for retention of permanent papers and destruction of temporary papers. Applicant files are retained for one year. Navy Exchange records retention standards are contained in the Disposal of Navy and Marine Corps Records Part II, chapters 3 and 5 in the Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, N.Y. 10305

Record Holder: Manager, Recruitment and Employment (IRD3), Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, N.Y. 10305

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, N.Y. 10305

In initial inquiry, the requester must provide full name, social security number, activity where last employed or where last application for employment was filed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requester must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; current and previous supervisors/employers; other records of the activity concerned; counseling records and comparable papers; educational institutions; applicants; applicant's previous employees; current and previous associates of the employee named by the employee as references; other records of activity investigators; witnesses; correspondents; investigative results and information provided by appropriate investigative agencies of the Federal Government.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(5) and (6), as applicable. For additional information contact the System Manager.

N12930-2

SYSTEM NAME:

Area Coordinator Information and Operation Files

SYSTEM LOCATION:

Chief of Naval Operations (Code 16), Department of the Navy and Designated Contractors: Navy Civilian Personnel Command (NCPC), NCPC Field Division; and Navy staff, headquarters, and field activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, paid from appropriated and non-appropriated funds, military personnel or private citizens affected by or involved in action of area coordination significance, and speakers, specialists and other interested participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

System is composed of but not limited to records compiled in accordance with regulations, correspondence regarding status of EEO investigations, index file of program administration and interested participants including ad hoc, summaries compiled for budget administration, biographies of speakers or of key officials obtained from individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To manage civilian personnel and special projects related to civilian employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Office of Personnel Management.

To a duly appointed Hearing Examiner or Arbitrator (an employee of another Federal agency) for the purpose of conducting a hearing in connection with an employee's grievance.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in paper file folders, list finders, index cards, or logs or other indexing systems.

RETRIEVABILITY:

Records are retrieved by subject matter, or by name.

SAFEGUARDS:

Records are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained for varying lengths of time as required by local regulations; some records may be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), and the heads of Navy Staff, Headquarters, and field activities employing civilians. Addresses are provided in the Department of the Navy directory published in the Federal Register.

NOTIFICATION PROCEDURE:

Requests by correspondence or in person should be made to the Chief of Naval Operations (OP-14), or to the head of the nearest Navy activity or to the Navy activity with which the individual is employed or serves as a contact point or participates with in matters relating to the program of his interest. Correspondence should contain the full name, social security number and signature of the requestor. For personal visits, proof of identification will consist of a Department of Defense or Navy building pass or identification badge or drivers license or other types of identification bearing his signature or picture or by providing information which may be verified against the record. Addresses of these activities are in the directory of Department of the Navy mailing addresses.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Navy Civilian Personnel Offices and their representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12950-1

SYSTEM NAME:

Career Development Program for Communicators

SYSTEM LOCATION:

Commander Naval Telecommunications Command Naval Telecommunications Command (NAVTELCOM) Headquarters 4401 Massachusetts Avenue, N.W., Washington, D.C. 20390

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees of NAVTELCOM in GS-393 series

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaire completed by employees giving name, duty, work and education experience, birth date, grade level, telephone number (work)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, Departmental Regulations

PURPOSE(S):

To implement and manage the Naval Telecommunications Command Career Development Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders

RETRIEVABILITY:

Name

SAFEGUARDS:

Safes and vaults

RETENTION AND DISPOSAL:

Records destroyed by burning upon separation of employee

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Telecommunications Command, 4401 Massachusetts Avenue, N.W., Washington, D.C. 20390 Civilian Manpower Coordinator, NAVTELCOM, same address

NOTIFICATION PROCEDURE:

Provide name to Civilian Manpower Coordinator, address above, Room 138, with routine ID card, driver's license, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Questionnaire completed by employee

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12950-3

SYSTEM NAME:

Payroll and Employee Benefits Records

SYSTEM LOCATION:

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and former civilian employees with the Navy Resale and Services Support Office and Navy Exchanges located world-wide. (Payroll and benefits information) Civilian employees and former civilian employees of Coast Guard exchanges, clubs and messes and US Navy civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Distribution reports; tax reports; leave accrual reports; earnings records cards, payroll registers; insurance records and reports regarding property damage, personal injury or death, group life, disability, medical and retirement plan; payroll savings authorization; record of payroll savings; overtime authorization; Treasury Department tax withholding exemption certificate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 10 USC 5031

PURPOSE(S):

To calculate pay; prepare checks for distribution; prepare education registers; leave records; to submit federal and state tax reports; to record contributions

to benefit plans; to process all insurance claims; to calculate retirement benefits upon request of employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the insurance carriers and the U.S. Department of Labor, Bureau of Employees Compensation.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The media in which these records are maintained vary, but include: Magnetic tape files; card files; file folders; ledgers; and printed reports.

RETRIEVABILITY:

Name and/or social security number; employee job number; employee payroll number.

SAFEGUARDS:

Locked file cabinets; safes; locked offices which are supervised by appropriate personnel, when open; security guards; supervised computer tape library which is accessible only through the computer center (entry to computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL:

Permanent records-maintained for five years and then retired to the Federal Records Center, St. Louis, Missouri.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official Commander Navy Resale and Services Support Office Fort Wadsworth Staten Island, New York 10305

Record Holder Risk Manager Navy Resale and Services Support Office Fort Wadsworth Staten Island, New York 10305

Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE:

Written contact may be made by addressing inquiries to: Commander Navy Resale and Services Support Office Fort Wadsworth Staten Island, New York 10305

In the initial inquiry the requester must provide full name, social security number, activity where last employed. A list of other offices the requester may visit will be provided after initial

contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The employee of former employee; payroll department; the employee's supervisor and the employee's physician or insurance carrier's physician.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

NONE

N12950-4

SYSTEM NAME:

Naval Audit Personnel Development System

SYSTEM LOCATION:

Naval Audit Service Headquarters, P.O. Box 1206, Falls Church, Virginia, 22041

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel employed by the Naval Audit Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee audit experience and historical career development data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 Departmental Regulations

PURPOSE(S):

To identify audit task assignments; monitor future career development; and forecast talent requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape

RETRIEVABILITY:

Name, SSN

SAFEGUARDS:

Computer System Software; code word access.

RETENTION AND DISPOSAL:

Records retained until employee retires, is deceased, or leaves Audit Service for other employment; record is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Audit Service is overall policy official; Director, Education and Training Division has direct control; Naval Audit Service HQ, Falls Church, Va 22041

NOTIFICATION PROCEDURE:

Apply to System Manager

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual concerned. Standard civilian personnel files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12950-5

SYSTEM NAME:

Navy Civilian Personnel Data System (NCPDS)

SYSTEM LOCATION:

Chief of Naval Operations (Codes 14 and 16), Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC), Naval Military Personnel Command (NMPC), NCPC Field Divisions; operating civilian personnel offices and Navy commands and management offices; and the Navy Regional Data Automation Center (NARDAC) and its designated contractors. The addresses of the activities are furnished in the Department of the Navy Directory published in the Federal Register. Included in this notice are those records duplicated for retrievability at a site closer to where the employee works (e.g., in an administrative office or a supervisor's work area).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of the Navy civilian employees paid from appropriated and non-appropriated funds and foreign national direct and indirect hire employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system comprises automated and non-automated records describing and identifying the employee (e.g., name, social security account number, sex, birth date, minority designator, citizenship, physical handicap code); the position occupied and the employee's qualifications; salary and salary basis or other compensation and allowances; employee's status in relation to the position occupied and the organization to which assigned; tickler dates for impending changes in status; education and training records; previous military status; functional code; previous employment record; performance appraisal and other data needed for screening and selection of an employee; referral records; professional licenses and publications; and reason for position change or other action affecting the employee and case files pertaining to EEO, MSPB, labor and employee relations, and incentive awards. The records are those found in the NCPDS subsystems: the Navy Automated Civilian Manpower Information System (NACMIS), the Training Information Management System (TIMS), the Personnel Automated Data System (PADS), the Computerized Employee Management Program Administration and Research (CEMPAR), the OP-14/NCPC Customer Support Centers, the Executive Personnel Management Information System (EPMIS) and the NCPDS base level and Headquarters systems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 4118; Executive Order 9397; 5 U.S.C. 2951; Executive Order 10450; 42 U.S.C. 2000e, 5 U.S.C. 3135, 5 U.S.C. 4301, et. seq., 5 U.S.C. 4501 et. seq., 5 U.S.C. 4705 and Subparts D, E, F, and G of Title 5, U.S.C. and 29 CFR Part 1613 et. seq.

PURPOSE(S):

To manage and administer the Department's civilian personnel and civilian manpower planning programs and in the design, development, maintenance and operation of the automated system of records. Designated contractors of the Department of the Navy and defense in the performance of their duties with respect to equipment and system design,

development test, operation and maintenance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office.

To the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of Executive Branch agencies.

To officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for vacant positions.

To representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice training programs or on other such matters under the jurisdiction of the Labor Department.

To representatives of the Veterans Administration on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice and on-the-job training program.

To contractors or their employees for the purpose of automated processing of data from employee personnel actions and training documents, or data collection forms and other documents.

To a duly appointed hearing examiner or arbitrator in connection with an employee's grievance.

To an appointed complaints examiner for the purpose of conducting a hearing in connection with an employee's formal Equal Employment Opportunity (EEO) complaint.

To officials and employees of schools and other institutions engaged to provide training.

To labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

To representatives of the Federal Labor Relations Authority.

To representatives of the Merit Systems Protection Board.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system and its subsystems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Automated records are stored on magnetic tape, disc, drum and punched cards and computer printouts. Manual records are stored in paper file folders.

RETRIEVABILITY:

Information is retrieved by SSN or other similar substitute if there is no SSN, position number, name, or by specific employee characteristics such as date of birth, grade, occupation, employing organization, tickler dates, academic specialty level.

SAFEGUARDS:

The computer facility and terminal are accessible only to authorized persons that have been properly screened, cleared and trained. Manual and automated records and computer printouts are available only to authorized personnel having a need-to-know.

RETENTION AND DISPOSAL:

Input documents are destroyed after data are converted to magnetic medium. Information is stored in magnetic medium within the ADP system. Information recorded via magnetic medium will be retained permanently. For TMS and the apprentice programs the computer magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from 1 to 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy and the commanding officers of the employee's activity.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the SYSMANAGER or to the civilian personnel officer under his cognizance. Requests must be accompanied by the individual's full name, social security number and name of employing activity. Requesters may visit the civilian personnel office of the naval activity covered by the system to obtain information. In such case proof of identity will consist of full name, social security account number and a third positive identification such as driver's license, Navy building pass or identification badge, birth certificate, Medicare card, etc. Address of the activity is furnished in the Department of the Navy directory of mailing addresses published in the Federal Register.

RECORD ACCESS PROCEDURES:

The Agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Categories of sources of records in the system are: the civilian personnel office of the employing activity; the payroll office; NCPD headquarters; the security office of the employing activity; line managers, other designated officials and supervisors; the employee and persons named by the employee as references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

N12950-6**SYSTEM NAME:**

Computer Assisted Manpower Analyses System (CAMAS)

SYSTEM LOCATION:

Chief of Naval Operations (Op-14), and Navy Department Staff, headquarters, and field activities employing civilians; mailing addresses are provided in the Navy Department directory published in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain records from the Personnel Automated Data System (PADS) which contain job related data including individual identification, location information, and salary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. 301 Departmental Regulations

PURPOSE(S):

To aggregate manpower planning, including calculating transition rates, forecasting number of retirements, and running models to determine the extent to which projected manpower requirements can be met.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Blanket Routine Uses that appear at the beginning of the Department of

the Navy's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Computer magnetic tape and disc.

RETRIEVABILITY:

Accessed by social security number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20390.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, D.C. 20350. Written requests for information must contain full name of the individual, current address and telephone number, and birth date and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel Automated Data System (PADS)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DIRECTORY OF DEPARTMENT OF THE NAVY MAILING ADDRESSES

Assistance in obtaining any Navy mailing address not included in the following directory may be obtained from:

Chief of Naval Operations (Op-09B30)

Navy Department
Washington DC 20350

Such assistance concerning any Marine Corps address may be obtained from:

Commandant of The Marine Corps
(Code MPI)
Washington DC 20380

ALASKA

Commanding Officer
Naval Arctic Research Laboratory
Barrow AK 99723

ARIZONA

Commanding Officer
Marine Corps Air Station
Yuma Arizona 85364

CALIFORNIA

Director
Navy Office of Information
Los Angeles Branch
11000 Wilshire Blvd Rm 10201
Los Angeles CA 90024
Commanding Officer
Naval Hospital
7500 E. Carson Street
Long Beach CA 90822
Commanding Officer
Naval Dental Clinic
Long Beach CA 90822
Commanding Officer
Naval Legal Service Office
Naval Station
Long Beach CA 90822
Commanding Officer
Personnel Support Activity
Long Beach CA 90822-5001
Director Consolidated
Civilian Personnel Office
Naval Station
Long Beach CA 90822
Commanding Officer
Office of Naval Research
Branch Office
1030 East Green St
Pasadena CA 91106
Commanding General
I Marine Amphibious Force FMF
Camp Pendleton CA 92055
Commanding General
Marine Corps Base
Camp Pendleton CA 92055
Commanding Officer
Naval Dental Clinic
Camp Pendleton CA 92055
Commanding Officer
Naval Hospital
Camp Pendleton CA 92055
Commanding General
1st Marine Division FMF
Camp Pendleton CA 92055
Commanding General
4th Marine Division FMF
US Marine Corps Reserve
Camp Pendleton CA 92055
Director
Naval Audit Service
Western Region
1220 Pacific Highway

San Diego CA 92132
Commander
Naval Base
San Diego CA 92132
Commander
Naval Base San Francisco
Naval Base
San Diego CA 92132
Commander
Fleet Accounting And Disbursing Center
U.S. Pacific Fleet
San Diego CA 92132
Commanding Officer
Naval Education and
Training Support Center Pacific
Fleet Station Post Office Bldg
San Diego CA 92132
Commander
Naval Reserve Readiness Command
Region Nineteen
960 North Harbor Drive
San Diego CA 92132
Commanding Officer
Navy Manpower and Material
Analysis Center
Pacific
San Diego CA 92132
Commanding Officer
Human Resource Management Center,
San Diego
Naval Training Center
San Diego, CA 92133
Commanding Officer
Personnel Support Activity
Naval Training Center
San Diego, CA 92133
Commanding Officer
Naval Medical Command
Southwest Region
San Diego CA 92134
Commanding Officer
Navy Drug Screening Laboratory
Naval Hospital
Bldg 10
San Diego, CA 92134
Commanding Officer
Naval Hospital
San Diego, CA 92134
Commanding Officer
Naval School of Health Sciences
San Diego, CA 92134
Commanding Officer
Naval Air Station
North Island
San Diego CA 92135
Commanding Officer
Navy Regional Data Automation Center
Naval Air Station
North Island
San Diego CA 92135
Commander Naval Air Force
US Pacific Fleet
Naval Air Station North Island
San Diego CA 92135
Commanding Officer
Personnel Support Activity
San Diego, CA 92136
Commanding Officer
Naval Alcohol Rehabilitation Center

Naval Station
San Diego CA 92136-5080
Commanding Officer
Naval Legal Service Office
Naval Station
San Diego CA 92136
Commanding Officer
Naval Dental Clinic
San Diego CA 92136-5147
Commanding Officer
Naval Medical Clinic
Naval Station
San Diego, CA 92136
Commanding Officer
Naval Station
San Diego Calif 92136
Commanding Officer
Naval Health Research Center
P O Box 85122
San Diego CA 92138
Commanding General
Marine Corps Recruit Depot
San Diego CA 92140
Commanding Officer
Naval Air Station
Miramar
San Diego CA 92145
Commanding Officer
Naval Drug Rehabilitation Center
Naval Air Station, Miramar
San Diego CA 92145
Commander Training Command
US Pacific Fleet
San Diego CA 92147
Commander
Naval Ocean Systems Center
San Diego CA 92152
Commanding Officer
Navy Personnel Research and
Development Center
San Diego CA 92152
Commander Amphibious Group
Eastern Pacific
Naval Amphibious Base Coronado
San Diego CA 92155
Commanding Officer
Naval Amphibious Base Coronado
San Diego CA 92155
Commander
Naval Surface Force
US Pacific Fleet
San Diego CA 92155
Director
Naval Civilian Personnel Command
Southwest Region
880 Front St Room 5-S-29
San Diego CA 92188
Commanding General
Force Troops
Fleet Marine Force Pacific
Marine Corps Base
Twentynine Palms CA 92278
Commanding General
Marine Corps Base
Twentynine Palms CA 92278
Commanding General
Marine Corps Logistics Base
Barstow CA 92311

Commander
Marine Corps Air Bases Western Area
Marine Corps Air Station
El Toro, Santa Ana CA 92709
Commanding General
Marine Corps Air Station El Toro
Santa Ana CA 92709
Commanding General
Marine Aircraft Wing 46
Marine Corps Air Station El Toro
Santa Ana CA 92709
Commanding Officer
Marine Corps Air Station
(Helicopter)
Santa Ana CA 92710
Commanding Officer
Naval Air Station
Point Mugu CA 93042
Commanding Officer
Naval Medical Command
Port Hueneme, CA 93043
Commanding Officer
Naval Hospital
Le Moore, CA 93246
Commander
Naval Weapons Center
China Lake CA 93555
Director
Defense Resources Management
Education Center
Naval Postgraduate School
Monterey, CA 93940
Director
Manpower Research and Data Analysis
Center
Naval Postgraduate School
Monterey, CA 93940
Superintendent
Naval Postgraduate School
Monterey CA 93940
Commanding Officer
Naval Air Station
Moffett Field CA 94035
Director
Naval Civilian Personnel Command
Northwest Region
525 Market St
San Francisco CA 94105
Commanding Officer
Personnel Support Activity
San Francisco
Bldg 1 Treasure Island
San Francisco CA 94130
Director
Navy Office of Information
San Francisco Branch
San Francisco CA 94130
Director
12th Marine Corps District
Naval Support Activity, Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Legal Service Office
Naval Station
Treasure Island
San Francisco CA 94130
Commanding Officer
Naval Dental Clinic
San Francisco CA 94130

Commander
Naval Reserve Readiness Command
Region Twenty Bldg 1 Naval Station
Treasure Island
San Francisco CA 94130
Officer in Charge
Navy Disease Vector Ecology and
Control Center
Naval Air Station
Alameda CA 94501
Commanding Officer
Naval Air Station
Alameda Calif 94501
Commanding Officer
Navy Regional Data Automation Center
San Francisco
Naval Air Station
Alameda CA 94501
Commanding Officer
Naval Support Activity Mare Island
Vallejo CA 94592
Officer in Charge
Naval Biosciences Laboratory
Naval Supply Center
Oakland CA 94625
Commander
Naval Medical Command
Northwest Region
Oakland CA 94627
Commanding Officer
Naval Hospital
Oakland CA 94627
Commanding Officer
Navy Drug Screening Laboratory
8750 Mountain Blvd
Oakland CA 94627

CONNECTICUT

Commanding Officer
Regional Accounting and Disbursing
Center
Groton CT 06340
Commanding Officer
Naval Security Group Activity
Box 99
Naval Submarine Base New London
Groton CT 06340
Director
Consolidated Civilian Personnel
Office Box 20
Naval Submarine Base New London
Groton CT 06340
Commanding Officer
Naval Submarine Medical Research
Laboratory
Naval Submarine Base New London
Groton CT 06349
Commanding Officer
Navy Legal Service Office
Box 10
Naval Submarine Base New London
Groton CT 06349
Commanding Officer
Naval Hospital
Groton CT 06349
Commanding Officer
Personnel Support Activity
New London Box 63

Naval Submarine Base New London
Groton CT 06349

DISTRICT OF COLUMBIA

Director
Marine Corps Institute
Marine Barracks
Washington DC 20003
Comptroller of the Navy
Navy Department
Washington DC 20350
Chief of Information
Navy Department
Washington DC 20350
Secretary of the Navy
Navy Department
Washington DC 20350
Chief of Legislative Affairs
Navy Department
Washington DC 20350
Under Secretary of the Navy
Navy Department
Washington DC 20350
Chief of Naval Operations
Department of the Navy
Washington DC 20350
Asst Secretary of the Navy
(Financial Management)
Navy Department
Washington DC 20350
Asst Secretary of the Navy
(Manpower & Reserve Affairs)
Navy Department
Washington DC 20350
Asst Secretary of the Navy
(Research, Engineering and Systems)
Navy Department
Washington DC 20350
Director
OpNav Support Activity
Washington DC 20350
Commander
Naval Electronic Systems Command
Naval Electronic Systems Command
Headquarters
Washington DC 20360
General Counsel
Navy Department
Washington DC 20360
Chief of Naval Material
Navy Department
Washington DC 20360
Commander
Naval Air Systems Command
Naval Air Systems Command
Headquarters
Washington DC 20361
Commander
Naval Sea Systems Command
Naval Sea Systems Command
Headquarters
Washington DC 20362
Commander
Naval Supply Systems Command
Naval Supply Systems Command
Headquarters
Washington DC 20376

Recorder
Board for Corrections of Naval
Records
Navy Department
Washington DC 20370
Senior Member
Board of Decorations and Medals
Arlington Annex Room 3028
Navy Department
Washington DC 20370
Commander
Naval Military Personnel Command
Navy Department
Washington DC 20370
Officer in Charge
Personnel Support Activity
Detachment Crystal Mall 3 Room 100
Crystal City
Washington DC 20371
Commander
Naval Medical Command
Navy Department
Washington DC 20372
President
Board of Inspection
and Survey
Navy Department
Washington DC 20372
Director Consolidated
Civilian Personnel Office
Bldg 200 Washington Navy Yard
Washington DC 20374
Director
Department of Defense Computer
Institute
Washington Navy Yard
Washington DC 20374
Commandant
Naval District Washington
Washington Navy Yard
Washington DC 20374
Commanding Officer
Personnel Support Activity
Bldg 92
Naval District Washington
Washington DC 20374
Commanding Officer
Navy Medical Clinic
Washington Navy Yard
Washington DC 20374
Director
Naval Historical Center
Washington Navy Yard
Washington DC 20374
Commanding Officer
Naval Legal Service Office
Washington Navy Yard
Washington DC 20374
Commander
Naval Reserve Readiness Command
Region Six
Washington Navy Yard
Washington DC 20374
Officer in Charge
Navy-Marine Corps Appellate Review
Activity
Office of Judge Advocate General
Washington Navy Yard
Washington DC 20374

Officer in Charge
Navy Band
Washington Navy Yard
Washington DC 20374
Commander
Naval Data Automation Command
Washington Navy Yard
Washington DC 20374
Commanding Officer
Navy Regional Data Automation
Center Washington
Washington Navy Yard
Washington DC 20374
Chief
Navy-Marine Corps Trail Judiciary
Washington Navy Yard
Washington DC 20374
Commanding Officer
Naval Research Laboratory
Washington DC 20375
Director
CCPO Crystal City
1931 Jefferson Davis Highway
Crystal Mall 2
Washington DC 20376
Commander
Navy Accounting and Finance Center
Navy Department
Washington DC 20376
Commandant of the Marine Corps
Navy Department
Washington DC 20380
Director
Headquarters
Naval Investigative Service
Washington DC 20388
Commander
Naval Intelligence Command
4600 Silver Hill Road
Washington DC 20389
Commanding Officer
Naval Air Facility
Washington D C 20390
Superintendent
Naval Observatory
34th and Massachusetts Ave NW
Washington DC 20390
Commanding Officer
Naval Security Station
3801 Nebraska Ave NW
Washington DC 20390
Commander
Naval Telecommunications Command
4401 Massachusetts Ave N W
Washington DC 20390

FLORIDA

Commanding Officer
Regional Accounting and Disbursing
Center
Jacksonville FL 32212
Commanding Officer
Navy Regional Data Automation Center
Jacksonville
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Alcohol Rehabilitation Center

Naval Air Station
Jacksonville, FL 32212
Commander
Naval Base
Jacksonville FL 32212
Commanding Officer
Naval Legal Service Office
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Navy Legal Service Trial Defense
Activity
Box 107 Naval Air Station
Jacksonville FL 32212
Commanding Officer
Personnel Support Activity
Box 50
Naval Air Station
Jacksonville FL 32212
Officer in Charge
Navy Disease Vector Ecology and
Control Center
Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Dental Clinic
Jacksonville, FL 32212
Commander
Naval Reserve Readiness Command
Region Eight
Bldg 90 Naval Air Station
Jacksonville FL 32212
Commanding Officer
Naval Medical Command
Southeast Region
Jacksonville FL 32214
Commanding Officer
Navy Drug Screening Laboratory
Naval Hospital
Jacksonville FL 32214
Commanding Officer
Naval Hospital
Jacksonville FL 32214
Commanding Officer
Navy Legal Service Office
Box 217 Naval Station
Mayport FL 32228
Chief of Naval Education
and Training
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Aerospace Medical Research
Laboratory
Naval Air Station
Pensacola FL 32508
Commanding Officer
Personnel Support Activity
Naval Air Station
Pensacola FL 32508
Commanding Officer
Navy Regional Data Automation Center
Naval Air Station
Pensacola FL 32508
Commanding Officer
Naval Legal Service Office
Naval Air Station
Pensacola, FL 32508

Commanding Officer
Naval Dental Clinic
Pensacola, FL 32508
Commanding Officer
Naval Education and Training
Program Development Center
Pensacola FL 32509
Commanding Officer
Naval Aerospace Medical Institute
Naval Air Station
Pensacola FL 32512
Commanding Officer
Naval Hospital
Pensacola FL 32512
Commanding Officer
Naval Dental Clinic
Orlando FL 32813
Commanding Officer
Naval Hospital
Orlando FL 32813
Commanding Officer
Personnel Support Activity
Orlando FL 32813
Commanding Officer
Naval Training Equipment Center
Orlando FL 32813
Commanding Officer
Naval Security Group Activity
Homestead FL 33039
Commanding Officer
Naval Medical Clinic
Key West FL 33040

GEORGIA

Commanding Officer
Naval Air Station Atlanta
Marietta GA 30060
Director
6th Marine Corps District
75 Piedmont Ave NE
Atlanta GA 30303
Director
Navy Office of Information
Atlanta Branch
1459 Peachtree St Suite 300
Atlanta GA 30309
Officer in Charge
Personnel Support Activity
Detachment
Navy Supply Corps School
Athens GA 30606
Petty Officer in Charge
Personnel Support Activity
Detachment
Naval Submarine Base
Kings Bay GA 31547
Commanding General
Marine Corps Logistics
Base Atlantic
Albany GA 31704

HAWAII

Director Consolidated
Civilian Personnel Office
Pearl Harbor
4300 Radford Drive
Honolulu HI 96818

Commander in Chief
US Pacific Fleet
Pearl Harbor HI 96860
Commander
Third Fleet
Pearl Harbor HI 96860
Commander
Naval Base Hawaii
Pearl Harbor HI 96860
Commanding Officer
Personnel Support Activity Hawaii
Box 302
Pearl Harbor HI 96860
Commander
Fleet Intelligence Center Pacific
Pearl Harbor HI 96860
Commanding Officer
Human Resources Management Center
Pearl Harbor
Pearl Harbor HI 96860
Commander Submarine Force
US Pacific Fleet
Pearl Harbor HI 96860
Commander
Naval Logistics Command
US Pacific Fleet
Pearl Harbor HI 96860
Commanding Officer
Naval Dental Clinic
Pearl Harbor HI 96860
Commanding Officer
Navy Medical Clinic
Pearl Harbor HI 96860
Officer in Charge
Navy Environmental and Preventative
Medicine Unit No 6 Box 112
Pearl Harbor HI 96860
Commanding Officer
Naval Western Oceanography Center
Box 113
Pearl Harbor HI 96860
Commanding Officer
Navy Data Automation Facility
Pearl Harbor HI 96860
Director
Naval Civilian Personnel Command
Pacific Region
Box 119
Pearl Harbor HI 96860
Commanding Officer
Naval Legal Service Office
Pearl Harbor HI 96860
Commanding General
Fleet Marine Force, Pacific
Camp H.M. Smith, HI 96861
Commander
Naval Medical Command
Pacific Region
Naval Air Station
Barbers Point HI 96862
Commanding Officer
Marine Corps Air Station
Kaneohe Bay HI 96863

ILLINOIS

Commanding Officer
Naval Air Station
Glenview IL 60026

Commander
Naval Base
Building 1
Great Lakes IL 60088
Commanding Officer
Naval Legal Service Office
Rm 230, Bldg 1
Great Lakes IL 60088
Commanding Officer
Naval Dental Clinic
Great Lakes IL 60088
Commanding Officer
Naval Medical Command
Northeast Region
Great Lakes IL 60088
Commanding Officer
Navy Drug Screening Laboratory
Naval Hospital
Bldg 200-H
Great Lakes IL 60088
Commanding Officer
Naval Hospital
Great Lakes IL 60088
Commanding Officer
Naval Dental Research Institute
Great Lakes IL 60088
Commander
Naval Reserve Readiness Command
Region Thirteen
Bldg 1 Naval Training Center
Great Lakes IL 60088
Commanding Officer
Personnel Support Activity
Naval Training Center
Great Lakes IL 60088
Commander
Navy Regional Finance Center
Great Lakes IL 60088
Director
Navy Office of Information
Chicago Branch
536 South Clark St Room 252
Chicago IL 60605
Commanding Officer
Office of Naval Research
Branch Office
536 S Clark St
Chicago IL 60605

STORAGE:

SAS
Director
9th Marine Corps District
10000 West 25th Street
Shawnee Mission KS 66204
Commander
Naval Reserve Readiness Command
Region 18
301 Navy Drive
Industrial Airport KS 66031

LOUISIANA

Commander
Naval Reserve Readiness Command
Region Ten
Bldg 11 Naval Support Activity

New Orleans LA 70142
Commanding Officer
Naval Air Station
New Orleans LA 70146
Commanding Officer
Naval Medical Clinic
New Orleans LA 70146
Director
8th Marine Corps District
New Orleans LA 70146
Commanding Officer
Personnel Support Activity
Naval Support Activity
Bldg 123
New Orleans LA 70146
Director
Naval Air Logistics Office
4400 Dauphne Street
New Orleans LA 70146
Commanding Officer
Navy Regional Data Automation Center
New Orleans
New Orleans LA 70146
Commanding Officer
Naval Support Activity
New Orleans LA 70146
Director Consolidated
Civilian Personnel Office
Naval Support Activity
New Orleans LA 70146
Chief of Naval Reserve
New Orleans LA 70146
Commanding Officer
Naval Reserve Personnel Center
New Orleans LA 70149
Commanding Officer
Enlisted Personnel
Management Center
New Orleans LA 70159
Commanding Officer
Naval Biodynamics Laboratory
P O Box 29407
New Orleans LA 70189

MARYLAND

Commander
David W. Taylor Naval Ship Research
and Development Center
Bethesda, MD 20084
Commander
Naval Polar Oceanography Center
Suitland MD 20390
Commanding Officer
Naval Hospital
Patuxent River MD 20670
Commanding Officer
Naval Security Group Activity
Fort George G Meade MD 20755
Commanding Officer
Naval Medical Research and
Development Command
Naval Medical Command NATCAP
Region
Bethesda, MD 20814
Commanding Officer
Naval Medical Research Institute
Naval Medical Command
National Capital Region

Bethesda, MD 20814
Commanding Officer
Naval Hospital
Bethesda MD 20814
Commanding Officer
Naval Dental Clinic
Bethesda MD 20814
Commander
Naval Medical Command
National Capital Region
Bethesda MD 20814
Commanding Officer
Naval Medical Data Service Center
Naval Medical Command
National Capital Region
Bethesda, MD 20814
Commanding Officer
Naval School of Health Sciences
Naval Medical Command
National Capital Region
Bethesda, MD 20814
Commanding Officer
Naval Health Sciences Education and
Training Command
Naval Medical Command NATCAP
Region
Bethesda, MD 20814
Superintendent
Naval Academy
Annapolis MD 21402
Commanding Officer
Naval Station
Annapolis MD 21402
Commanding Officer
Naval Medical Clinic
Annapolis MD 21402

MASSACHUSETTS

Director
Navy Office of Information
Boston Branch
575 Technology Square 8th Floor
Cambridge MA 02139
Commanding Officer
Naval Air Station
South Weymouth MA 02190
Commanding Officer
Office of Naval Research
Eastern/Central Regional Office
Boston MA 02210

MICHIGAN

Commanding Officer
Naval Air Facility Detroit
MT Clemens MI 48043

MINNESOTA

Commander Naval Reserve
Readiness Command Region Sixteen
Bldg 715
Minn-St Paul International Airport
Minneapolis MN 55450

MISSISSIPPI

Commanding Officer

Naval Air Station
Meridian MS 39301
Governor
Naval Home
01800 East Beach Blvd
Gulfport MS 39501
Commander
Naval Oceanography Command
NSTL Station
Bay St Louis MS 39520
Commanding Officer
Naval Ocean Research and
Development Activity
National Space Technology Labs
Bay St Louis MS 39520
Commanding Officer
Naval Oceanographic Office
NTSL Station
Bay St Louis MS 39520

MISSOURI

Director
Marine Corps Automated
Services Center
1500 E Bannister Rd
Kansas City MO 64131
Director
Marine Corps Reserve Forces
Administrative Center
1500 East Bannister Road
Kansas City MO 64131
Commanding Officer
Marine Corps Finance Center
Kansas City MO 64197

NEVADA

Commanding Officer
Naval Air Station
Fallon NV 89406

NEW HAMPSHIRE

Commanding Officer
Naval Medical Clinic
Portsmouth NH 03801

NEW JERSEY

Director
Naval Audit Service Northeast Region
Central Camden Parkade Bldg 215
30 North 5th Street
Camden NJ 08102

NEW YORK

Director
Navy Office of Information
New York Branch
663 Fifth Ave 3rd Floor
New York NY 10022
Commander
Navy Resale and Services Support
Office
Fort Wadsworth
Staten Island NY 10305
Counsel New York Branch

Office of the General Counsel
Department of the Navy
Fort Wadsworth
Staten Island NY 10305

Officer in Charge
Navy Motion Picture Service
Flushing and Washington Aves
Brooklyn NY 11251

Director
1st Marine Corps District
605 Stewart Ave
Garden City
Long Island NY 11533

Commander
Naval Reserve Readiness Command
Region Two Bldg 1
Scotia NY 12302

NORTH CAROLINA

Commander
Marine Corps Air Bases Eastern Area
Marine Corps Air Station
Cherry Point NC 28533

Commanding General
Marine Corps Air Station
Cherry Point NC 28533
Commanding General
2nd Marine Aircraft Wing
Marine Corps Air Station
Cherry Point NC 28533

Commanding Officer
Naval Hospital
Cherry Point NC 28533
Commanding Officer
Marine Corps Air Station
(Helicopter)

New River
Jacksonville N C 28540
Commanding General
Force Troops Atlantic
2D Force Service Support Group FMF

Camp Lejeune NC 28542
Commanding General
Marine Corps Base
Camp Lejeune NC 28542

Commanding Officer
Naval Dental Clinic
Camp Lejeune NC 28542
Commanding Officer

Naval Hospital
Camp Lejeune NC 28542
Commanding General
2nd Marine Division FMF

Camp Lejeune NC 28542

OHIO

Director
Navy Family Allowance Activity
Anthony J. Celebrezze Federal Bldg.
1240 East 9th Street
Cleveland OH 44199

Commanding Officer
Navy Finance Center
Anthony J Celebrezze Federal Bldg
Cleveland OH 44199

Director
Personnel Support Activity

Navy Finance Center
Anthony J. Celebrezze Federal Bldg.
Cleveland OH 44199

Commander
Naval Reserve Readiness Command
Region Five Bldg 1033 USAAP
Ravenna OH 44266

PENNSYLVANIA

Commander
Naval Air Development Center
Warminster PA 18974

Commanding Officer
Naval Air Station
Willow Grove PA 19090
Commanding Officer
Naval Air Reserve Anti-Submarine
Warfare Training Center
Naval Air Station
Willow Grove PA 19090

Commander
Naval Base
Philadelphia PA 19112
Commanding Officer
Personnel Support Activity
Philadelphia PA 19112

Commander
Naval Base Boston
Philadelphia PA 19112
Commander

Naval Base New York
Philadelphia PA 19112
Commanding Officer
Naval Legal Service Office

Naval Base
Philadelphia PA 19112
Commanding Officer
Naval Dental Clinic
Philadelphia, PA 19112

Commander
Naval Reserve Readiness Command
Region Four Bldg 662 Naval Base
Philadelphia PA 19112

Director
Naval Civilian Personnel Command
Northeast Region
Bldg 75-3 Naval Base

Philadelphia PA 19112
Director
Consolidated Civilian Personnel
Office

Bldg 75 Naval Base
Philadelphia PA 19112
Director

4th Marine Corps District
Bldg 75 Naval Base
Philadelphia PA 19112
Commanding Officer

Naval Medical Material Support
Command, Bldg 1-9
17th St and Pattison Ave
Philadelphia PA 19145

Commanding Officer
Naval Hospital
17th St and Pattison Ave
Philadelphia PA 19145

PUERTO RICO AND VIRGIN ISLANDS

Commanding Officer
Camp Garcia
Fleet Marine Force Atlantic
Vieques PR 00765

RHODE ISLAND

Commander
Naval Education and Training Center
Newport RI 02840

Commanding Officer
Naval Data Automation Facility,
Newport
Bldg 11 Naval Education and Training
Center

Newport RI 02840
Commanding Officer

Naval Dental Clinic
Newport RI 02841

Commanding Officer
Naval Hospital

Newport RI 02841
Commanding Officer

Naval Underwater Systems Center
Newport RI 02840

President
Naval War College
Newport RI 02840

Commanding Officer
Naval Legal Service Office
Naval Education and Training Center
Newport RI 02841

Commander
Naval Reserve Readiness Command
Region One Bldg 344
Naval Education and Training Center
Newport RI 02841

Commanding Officer
Naval Justice School

Newport RI 02841-5030
Commanding Officer

Personnel Support Activity
Naval Education and Training Center
Newport RI 02841

SOUTH CAROLINA

Commander
Naval Base
Charleston SC 29408
Commanding Officer

Naval Legal Service Office
Naval Base

Charleston SC 29408
Commanding Officer

Naval Dental Clinic
Charleston SC 29408

Commanding Officer
Naval Hospital

Charleston SC 29408
Commander

Naval Reserve Readiness Command
Region Seven

Naval Base
Charleston SC 29408

Commanding Officer
Naval Security Group Activity

Naval Base
Charleston SC 29408
Commanding Officer
Personel Support Activity
Charleston SC 29408
Commanding Officer
Polaris Missile Facility
Atlantic
Charleston SC 29408
Commanding Officer
Marine Corps Air Station
Beaufort SC 29902
Commanding Officer
Naval Hospital
Beaufort SC 29902
Commanding General
Marine Corps Recruit Depot
Parris Island SC 29905
Commanding Officer
Naval Dental Clinic
Parris Island SC 29905

TENNESSEE

Commander
Naval Reserve Readiness Command
Region Nine
Bldg E35 Naval Air Station Memphis
Millington TN 38054
Commanding Officer
Naval Legal Service Office
Naval Air Station Memphis
Millington TN 38054
Commanding Officer
Naval Hospital
Millington TN 38054
Chief of Naval
Technical Training
Naval Air Station
Memphis
Millington TN 38054
Commanding Officer
Personnel Support Activity
Naval Air Station Memphis (10)
Millington TN 38054

TEXAS

Director
Navy Office of Information
Dallas Branch Main Tower Bldg
1200 Main St Suite 230
Dallas TX 75202
Commanding Officer
Naval Air Station
Dallas TX 75211
Commander
Naval Reserve Readiness Command
Region Eleven
Bldg 11 Naval Air Station
Dallas TX 75211
Commanding Officer
Naval Air Station
Chase Field
Beeville TX 78102
Director
Naval Civilian Personnel Data
System Center
Randolph AFB TX 78150

Commanding Officer
Naval Air Station
Corpus Christi TX 78419
Chief of Naval Air Training
Naval Air Station
Corpus Christi TX 78419
Commanding Officer
Naval Legal Service Office
Naval Air Station
Corpus Christi TX 78419
Commanding Officer
Naval Hospital
Corpus Christi TX 78419
Commanding Officer
Personnel Support Activity
Naval Air Station
Corpus Christi TX 78419

VIRGINIA

Auditor General of the Navy P.O. Box
1206 Falls Church VA 22041
Director
Naval Audit Service Capital Region
PO Box 1206
Falls Church VA 22041
Director
Naval Audit Service Headquarters
PO Box 1206
Falls Church VA 22041
Commanding General
Marine Corp Development
and Education Command
Quantico VA 22134
Commanding Officer
Marine Security Guard Battalion
State Department
Quantico VA 22134
Commanding Officer
Naval Medical Clinic
Quantico VA 22134
Commanding Officer
Human Resource Management Center
Washington
1000 North Glebe Road
Arlington VA 22201
Director
Naval Civilian Personnel Command
Department of the Navy
800 N. Quincy St
Arlington VA 22203
Director
Naval Civilian Personnel Command
Capital Region
801 N. Randolph St.
Arlington VA 22203
Director
Naval Council of Personnel Boards
801 N. Randolph St
Arlington VA 22203
Commander
Navy Recruiting Command
4015 Wilson Boulevard
Arlington VA 22203
Commanding Officer
Headquarters Battalion
Headquarters US Marine Corps
Henderson Hall
Arlington VA 22214

Commanding Officer
Marine Security Guard Battalion
Headquarters (State Department)
US Marine Corps Henderson Hall
Arlington VA 22214
Chief of Naval Research
800 North Quincy St
Arlington VA 22217
Commanding Officer
Navy Petroleum Office
Cameron Station
Alexandria VA 22304-6180
Commander
Naval Legal Service
Department of the Navy
200 Stovall Street
Alexandria VA 22332
Judge Advocate General
Navy Department
200 Stovall Street
Alexandria VA 22332
Commanding Officer
Naval Civil Law Support Activity
200 Stovall Street
Alexandria VA 22332
Chief
Navy-Marine Corps Trial Judiciary
200 Stovall Street
Alexandria VA 22332
Commander
Naval Facilities Engineering
Command NAVFACENGCOM Hdqtrs
200 Stovall Street
Alexandria VA 22332
Commander
Naval Surface Weapons Center
Dahlgren VA 22448
Commanding Officer
Naval Security Group Activity
Northwest
Chesapeake VA 23322
Director
Naval Audit Service Southeast Region
5701 Thurston Ave
Virginia Beach VA 23455
Commanding Officer
Naval Medical Clinic
Norfolk VA 23508
Commander
Naval Medical Command
Mid-Atlantic Region
Norfolk, VA 23508
Commanding Officer
Human Resource Management Center,
Norfolk
5621-23 Tidewater Drive
Norfolk VA 23509
Officer in Charge
Personnel Support Activity Det
Atlantic Fleet Headquarters
Support Activity
Norfolk VA 23511
Commanding Officer
Camp Elmore
Marine Corps
Norfolk VA 23511
Commanding Officer
Naval Eastern Oceanography Center

Mcadie Bldg
 Naval Air Station
 Norfolk VA 23511
 Commanding Officer
 Fleet Accounting and Disbursing
 Center U S Atlantic Fleet
 Building 132 Naval Station
 Norfolk VA 23511
 Commanding Officer
 Navy Environmental Health Center
 Naval Station
 Norfolk VA 23511
 Officer in Charge
 Navy Environmental and
 Preventive Medicine Unit No 2
 Norfolk VA 23511
 Commanding officer
 Personnel Support Activity
 Norfolk VA 23511
 Director
 Fleet Home Town News Center
 Norfolk VA 23511
 Commanding Officer
 Fleet Intelligence Center
 Europe and Atlantic
 Norfolk VA 23511
 Commanding General
 Fleet Marine Force Atlantic/
 Commanding General Fleet Marine
 Force Europe (Designate)
 Norfolk VA 23511
 Commanding Officer
 Naval Administrative Command
 Armed Forces Staff College
 Norfolk VA 23511
 Commanding Officer
 Naval Air Station
 Norfolk VA 23511
 Commanding Officer
 Naval Alcohol Rehabilitation Center
 Building J-50
 Naval Station
 Norfolk VA 23511
 Commander
 Naval Base
 Norfolk VA 23511
 Commanding Officer
 Naval Education and Training
 Support Center, Atlantic
 Bldg Z-86, Naval Station
 Norfolk VA 23511
 Commanding Officer
 Naval Legal Service Office
 Naval Base
 Norfolk VA 23511
 Commanding Officer
 Naval Dental Clinic
 Norfolk VA 23511
 Commander
 Naval Safety Center
 Naval Air Station
 Norfolk VA 23511
 Commanding Officer
 Navy Drug Screening Laboratory
 Naval Air Station
 Bldg S-33
 Norfolk VA 23511
 Commander
 Naval Surface Force

US Atlantic Fleet
 Norfolk VA 23511
 Commanding Officer
 Navy Manpower and Material
 Analysis Center
 Atlantic
 Commander
 Oceanographic System Atlantic
 Box 100
 Norfolk VA 23511
 Director
 Naval Civilian Personnel Command
 Southeast Region
 Bldg A-67 Naval Station
 Norfolk VA 23511
 Director
 Consolidated Civilian
 Personnel Office
 Bldg N-26 Naval Base
 Norfolk VA 23511
 Commanding Officer
 Navy Regional Data Automation Center
 Norfolk
 Norfolk VA 23511
 Commander
 Submarine Force
 US Atlantic Fleet
 Norfolk VA 23511
 Commander in Chief
 US Atlantic Fleet
 Norfolk VA 23511
 Commander Naval Air Force
 US Atlantic Fleet
 Norfolk VA 23511
 Commander Training Command
 US Atlantic Fleet
 Norfolk VA 23511
 Commanding Officer
 Naval Weapons Station
 Yorktown, VA 23691-5000
 Commanding Officer
 Naval Ophthalmic Support and
 Training Activity
 Yorktown, VA 23690
 Commanding Officer
 Naval Hospital
 Portsmouth VA 23708

WASHINGTON

 Officer in Charge
 Marine Corps Reserve Training Center
 Naval Air Station
 Seattle WA 98115
 Commanding Officer
 Naval Legal Service Office
 Seattle WA 98115
 Commander
 Naval Reserve Readiness Command
 Region Twenty-Two Bldg 9
 Naval Support Activity
 Seattle WA 98115
 Commanding Officer
 Naval Support Activity
 Seattle WA 98115
 Commanding Officer
 Naval Medical Clinic
 Naval Station
 Seattle WA 98115

 Commanding Officer
 Naval Hospital
 Oak Harbor WA 98278
 Commanding Officer
 Naval Dental Clinic
 Bremerton, WA 98314
 Commanding Officer
 Naval Hospital
 Bremerton WA 98314
 Commanding Officer
 Personnel Support Activity
 Puget Sound (Bangor)
 Bremerton WA 98315
 Commanding Officer
 Strategic Weapons Facility, Pacific
 Silverdale, WA 98383
 Officer in Charge
 Marine Corps Reserve Training Center
 1702 Tahoma Avenue
 Yakima WA 98920

APO/FPO ADDRESSES

 Commanding Officer
 US Naval Security Group Activity
 APO New York 09240
 Commander
 US Naval Forces Azores
 APO New York 09406
 Commanding Officer
 US Naval Air Facility
 APO New York 09406
 Commanding Officer
 US Naval Security Group Activity
 APO New York 09406
 Commanding Officer
 US Naval Security Group Activity
 APO New York 09458
 Commander
 Amphibious Group 2
 FPO New York 09501
 Commander
 Antisubmarine Warfare Force
 US Sixth Fleet
 FPO New York 09501
 Commander
 Attack Carrier Striking Force
 Sixth Fleet
 FPO New York 09501
 Commander
 Middle East Force
 FPO New York 09501
 Commander
 Second Fleet
 FPO New York 09501
 Commander
 Sixth Fleet
 FPO New York 09501
 Commander
 South Atlantic Force
 US Atlantic Fleet
 FPO New York 09501
 Commander in Chief
 US Naval Forces Europe
 FPO New York 09510
 US Commander
 Eastern Atlantic
 FPO New York 09510

Counsel	Station	U S Naval Station
European Branch	FPO New York 09525	FPO New York 09593
Office of the General Counsel	Commander	Commanding Officer
Department of the Navy	US Naval Activities Spain	US Naval Air Station
FPO New York 09510	FPO New York 09540	FPO New York 09593
Commanding Officer	Commanding Officer	Commander
Human Resource Management Center	US Naval Communication	US Naval Base
Box 23	Station	Box 34
FPO New York 09510	FPO New York 09540	FPO New York 09593
Commanding Officer	Commanding Officer	Commanding Officer
US Navy Personnel Support	US Naval Hospital	US Naval Hospital
Activity United Kingdom/	FPO New York 09540	FPO New York 09593
Northern Europe	Commanding Officer	Commanding Officer
FPO New York 09510	US Naval Station	US Naval Security Group Activity
Commanding Officer	FPO New York 09540	US Naval Base Box 41
Marine Barracks	Commanding Officer	FPO New York 09593
US Naval Activities	U S Naval Communication	Commanding Officer
FPO New York 09510	Station	US Naval Station
Commanding Officer	FPO New York 09542	FPO Miami 34051
Office of Naval Research	Commander	Commanding Officer
Branch Office Box 39	Fleet Air Caribbean	US Naval Hospital
FPO New York 09510	FPO New York 09551	FPO Miami 34051
Commander	Commander	Commanding Officer
US Naval Medical Command	US Naval Base	US Naval Dental Clinic
European Region	FPO New York 09551	FPO Miami 34051
FPO New York 09510	Commanding Officer	Commanding Officer
Commander	US Naval Hospital	US Naval Security Group Activity
US Naval Activities United Kingdom	FPO New York 09551	APC San Francisco 96210
FPO New York 09510	Commanding Officer	Commanding Officer
Commanding Officer	US Naval Station	Headquarters Support Activity
US Naval Aviation	FPO New York 09551	Box 25
Weapons Facility	Commanding Officer	APC San Francisco 96263
FPO New York 09511	U S Naval Communication	Commanding Officer
Commanding Officer	Station	US Naval Hospital
US Communication Station	FPO New York 09554	Box 4
FPO New York 09512	Commanding Officer	APC San Francisco 96263
Commanding Officer	US Naval Security Group Activity	Commanding Officer
US Naval Security Group	FPO New York 09555	U S Naval Security Group Activity
Activity	Commanding Officer	APC San Francisco 96274
FPO New York 09518	US Naval Air Station	Commander
Commanding Officer	FPO New York 09560	U S Forces Korea
U S Naval Facility	Commander	APC San Francisco 96301
FPO New York 09519	Fleet Air Keflavik	Commander
Commander	FPO New York 09571	US Naval Forces Korea
Fleet Air Mediterranean	Commanding Officer	APC San Francisco 96301
FPO New York 09521	Naval Security Group Activity	Commander
Commanding Officer	FPO New York 09571	US Forces Japan
US Naval Legal Service Office	Commanding Officer	APC San Francisco 96328
US Naval Support Activity	US Naval Communication	Commanding Officer
FPO New York 09521	Station Box	US Naval Security Group
Commanding Officer	FPO New York 09571	Activity
US Naval Hospital	Commander	Torii Station
PO Box 19	US Naval Forces Iceland	APC San Francisco 96331
FPO New York 09521	FPO New York 09571	Commanding Officer
Commanding Officer	Commanding Officer	US Naval Medical Research Unit No 3
US Naval Support Activity	US Naval Station	FPO New York 09527
FPO New York 09521	FPO New York 09571	Commanding Officer
Commanding Officer	Commanding Officer	US Naval Medical Research Unit No 2
U.S. Naval Dental Clinic	US Naval Communication Station	APC San Francisco 96528
FPO New York 09521	FPO New York 09580	Commander
Commanding Officer	Commanding Officer	Amphibious Group 1
US Navy Personnel Support Activity	US Naval Security Group	FPO San Francisco 96601
Mediterranean Box 20	Activity	Commander
FPO New York 09521	Box 5028	Carrier Striking Force
Commanding Officer	FPO New York 09584	Seventh Fleet
US Naval Air Facility	Commanding Officer	FPO San Francisco 96601
FPO New York 09523	U S Naval Station	Commander
Commanding Officer	FPO New York 09585	Cruiser Destroyer Force
U S Naval Communication	Commanding Officer	

Seventh Fleet
FPO San Francisco 96601
Commander

Seventh Fleet
FPO San Francisco 96601
Commander Amphibious Force

Seventh Fleet
FPO San Francisco 96601
Commander

US Naval Support Force Antarctica
FPO San Francisco 96601
Commanding General

III Marine Amphibious Force FMF
FPO San Francisco 96602
Commanding General

1st Marine Aircraft Wing
FPO San Francisco 96602
Commanding General

3D Marine Division FMF
FPO San Francisco 96602
Commanding Officer

Camp H M Smith US Marine Corps
FPO San Francisco CA 96610
Commanding Officer

Fleet Intelligence Center
Pacific
FPO San Francisco 96610
Commanding General

Fleet Marine Force Pacific
FPO San Francisco 96610
Commanding Officer

Human Resource Management Center
FPO San Francisco 96610
Commander

Marine Corps Base Pacific
FPO San Francisco 96610
Commander

Naval Base
Box 110
FPO San Francisco 96610
Commanding Officer

Naval Investigative Service Office
Pacific Box 76
FPO San Francisco 96610
Commanding Officer

Naval Legal Service Office
Box 124
FPO San Francisco 96610
Commander

Naval Logistics Command
US Pacific Fleet
FPO San Francisco 96610
Commanding Officer

Naval Station
FPO San Francisco 96610
Commanding Officer

Naval Submarine Base
FPO San Francisco 96610
Commanding Officer

Naval Submarine Training
Center Pacific
FPO San Francisco 96610
Officer in Charge

Navy Finance Office
FPO San Francisco 96610
Commander

Submarine Force
US Pacific Fleet

FPO San Francisco 96610
Commander

Third Fleet
FPO San Francisco 96610
Commander in Chief

US Pacific Fleet
FPO San Francisco 96610
Commanding Officer

Naval Air Station
Barbers Point
FPO San Francisco 96611
Commanding Officer

Marine Corps Air Station
FPO San Francisco 96615
Commander

US Naval Base
FPO San Francisco 96630
Commander

US Naval Forces Marianas
FPO San Francisco 96630
Commanding Officer

US Naval Legal Service Office
COMNAVMARIANAS
FPO San Francisco 96630
Commanding Officer

US Naval Hospital
FPO San Francisco 96630
Commanding Officer

US Naval Station
FPO San Francisco 96630
Commanding Officer

U.S. Naval Dental Clinic
FPO San Francisco 96630
Commanding Officer

US Navy Personnel Support
Activity Guam
FPO San Francisco 96630
Commanding Officer

US Naval Air Station
FPO San Francisco 96637
Commander

US Naval Forces Philippines
Box 30
FPO San Francisco 96651
Commanding Officer

US Navy Personnel Support
Activity Philippines
Box 45
FPO San Francisco 96651
Commanding Officer

US Naval Legal Service Office
US Naval Base
FPO San Francisco 96651
Commanding Officer

US Naval Station
FPO San Francisco 96651
Commanding Officer

U.S. Naval Dental Clinic
FPO San Francisco 96651
Commanding Officer

US Naval Hospital
FPO San Francisco 96652
Commanding Officer

US Naval Air Station
FPO San Francisco 96654
Commanding Officer

US Naval Communication
Station

FPO San Francisco 96656
Commanding Officer

US Naval Communication
Station

FPO San Francisco 96680
Commanding Officer

US Naval Communication Station
FPO San Francisco 96685
Commanding Officer

Naval Security Group Activity
APO Seattle 98742
Commander

Fleet Activities
FPO Seattle 98762
Commanding Officer

US Naval Communication
Station Box 3
FPO Seattle 98762
Commander

US Naval Forces Japan
FPO Seattle 98762
Commanding Officer

US Naval Legal Service Office
COMNAVFORJAPAN
FPO Seattle 98762
Commanding Officer

US Navy Personnel Support Activity
Far East
FPO Seattle 98762
Commanding Officer

Marine Corps Air Station
FPO Seattle 98764
Commanding Officer

US Naval Dental Clinic
FPO Seattle 98765
Commanding Officer

US Naval Hospital
FPO Seattle 98765
Commander Fleet Air
Western Pacific
FPO Seattle 98767
Commander

Fleet Activities/US Naval Air
Facility
FPO Seattle 98770
Commanding Officer

US Marine Corps Air Station
(Helicopter)
FPO Seattle 98772
Commanding General

Marine Corps Base
Camp Smedley D Butler
FPO Seattle 98773
Commanding Officer

Naval Security Group Activity
FPO Seattle 98777
Commanding Officer

US Naval Hospital
FPO Seattle 98778
Commanding Officer

US Naval Dental Clinic
FPO Seattle 98778
Commanding Officer

US Naval Station
FPO Seattle 98791

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14 CFR Part 25

Friday
May 16, 1986

Part III

**Department of
Transportation**

Federal Aviation Administration

14 CFR Part 25

**Airworthiness Standards; Fire Protection
Requirements for Cargo or Baggage
Compartments; Final Rule**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 24185; Amdt. No. 25-60]

Airworthiness Standards; Fire Protection Requirements for Cargo or Baggage Compartments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment upgrades the fire safety standards for cargo or baggage compartments in transport category airplanes by establishing new fire test criteria and by limiting the volume of Class D compartments. This amendment is the result of research and fire testing and is intended to increase airplane fire safety.

EFFECTIVE DATE: June 16, 1986.

FOR FURTHER INFORMATION CONTACT: Gary L. Killion, Manager, Regulations Branch (ANM-112), Transport Standards Staff, Aircraft Certification Division, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2112.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking (NPRM) No. 84-11, which was published in the *Federal Register* on August 8, 1984 (49 FR 31830). The notice proposed to upgrade the fire safety standards for cargo or baggage compartments in transport category airplanes by establishing new fire test criteria and by limiting the volume of Class D compartments.

As discussed in the notice, there are five classes of cargo compartments (Class A, B, C, D, and E) in the existing Part 25 regulatory classification system. The classification of compartments is based primarily on the ease of access and the capability of the compartment to contain a fire. With the exception of the Class A compartment, all categories of cargo compartments are required to have liners in order to protect the structural integrity of the airplane from the effects of fire.

The FAA conducted a series of tests at its Technical Center to investigate the capability of three typical liner materials to resist flame penetration under conditions representative of actual cargo or baggage compartment fires. The tests were conducted in simulated Class C and D compartments with bulk-loaded baggage typical of that found in actual service. In conjunction

with these tests, the FAA developed a method of testing liner materials utilizing a 2 gallons-per-hour kerosene burner. The materials—fiberglass, Kevlar and Nomex—comprise the primary liner materials currently used in domestic jet transport airplanes.

As a result of these full-scale tests, it was found that a fire could rapidly burn through Nomex or Kevlar under representative conditions. In addition to the fire hazards associated with the initial flame penetration, further suppression of the oxygen in compartments would be hindered. This, in turn, could result in a fire of increased intensity. It was therefore concluded that improved standards are warranted for the sidewall and ceiling liner panels of all classes of cargo or baggage compartments that depend on liners for fire control. Considering probable flame path, the FAA determined that it is not necessary for the materials used for bottom liner panels to meet these improved standards.

The full-scale tests conducted at the FAA Technical Center also showed that a limitation on the volume of Class D compartments is warranted. These tests indicated that the intensity of a fire in a Class D compartment is dependent on compartment volume as well as the sum of leakage from the compartment in a given period of time. In this regard, it was found that the intensity of a fire in a larger Class D compartment is much greater due to the total amount of oxygen available in compartments larger than approximately 1,000 cubic feet and is, therefore, beyond the capability of the liner to resist flame penetration. Accordingly, the volume of a Class D compartment would be limited to a maximum of 1,000 cubic feet.

The comment period for this notice originally closed on October 8, 1984. It was reopened, as announced in Notice 84-11A (49 FR 40041; October 12, 1984), because of requests received from persons desiring more time in which to study the proposal and prepare their comments. The comment period was further reopened, as announced in Notice 84-11B (50 FR 13226; April 3, 1985), in light of requests received after further tests were conducted by the FAA at its Technical Center. One commenter requested that the FAA reopen the comment period for an additional period; however, the reason given was not considered sufficient to warrant such action. Although the comment period closed on June 3, 1985, late comments have been considered in accordance with 14 CFR 11.47(a). All interested parties have thus been given ample opportunity to participate in the

making of this final rule, and due consideration has been given to all matters presented. Except for the changes discussed below, this final rule and the reasons for its adoption are the same as those stated in Notice 84-11.

Discussion of Comments

The numerous comments received in response to Notice 84-11 represent the views of airplane and equipment manufacturers, airplane operators, material producers and testing laboratories, airplane crew organizations, U.S. and foreign government organizations, and consumer groups. The vast majority of commenters endorse the intent of the proposals of Notice 84-11, although some suggest modifications to the proposed requirements. The following FAA responses to comments are discussed according to the subject matter of the comment.

One commenter believes the justification for the proposed standards to be deficient in analysis. In this regard, the commenter states that the basis for the proposed rule was a catastrophic fire which occurred on a Lockheed L-1011 airplane and that the standards are a reaction to a preconceived notion that Kevlar and Nomex are less desirable than fiberglass since the proposed test methods do not relate to an actual fire scenario. The commenter contends that there is nothing in the analysis to indicate that the results of the L-1011 accident would have been prevented if fiberglass liners had been installed.

The proposed standards are not based on a scenario derived from an analysis of the L-1011 accident, but rather are based on full-scale testing that was conducted with simulated Class C and D compartments using bulk-loaded baggage. The full-scale tests showed that fiberglass as typically used in cargo or baggage compartments, is superior to Kevlar or Nomex from a flame penetration standpoint. The more significant result of these tests is, however, the fact that existing standards for liner materials do not provide adequate protection from a typical cargo or baggage compartment fire. In this regard, it must be noted that liners constructed of Kevlar or Nomex, as well as those of fiberglass, meet the current standards. Because it would be impractical to conduct a full-scale test to qualify each type of material, the FAA developed test methods that would provide results comparable to those of a full-scale test from a materials qualification standpoint. As a result of this correlation, the proposed test methods do, in fact, relate to an actual

fire scenario. As explained in Notice 84-11, the L-1011 accident cited by the commenter was *assumed* to have resulted from a fire in the cargo or baggage compartment for regulatory analysis purposes. The analysis notes that the specific cause of the fire is the subject of considerable dispute.

Several commenters present views supporting or opposing application of the proposed standards to airplanes already in service. Because such action would be beyond the scope of the notice, the comments are not considered relevant to this rulemaking. The FAA is, however, considering additional rulemaking that will address this issue.

One commenter contends that although reinforced with fiberglass and using state-of-the-art resins, almost all ceiling liners and some sidewall liners that are used in the current jet transport fleet do not meet one or more of the proposed requirements in the notice. The commenter also contends that materials which simultaneously satisfy the functional requirements for ceiling and sidewall liners, as well as the proposed fire safety standards, are not available. These contentions are not supported by the testing conducted. As noted in FAA Technical Note DOT/FAA/CT-TN85/11, An Evaluation of the Burn-Through Resistance of Cargo Lining Materials, dated April 1985, there are a number of suitable liner materials that meet the standards and are available. A copy of this technical note has been placed in the Rules Docket.

One commenter contends that additional FAA and industry developmental work is clearly required prior to issuance of regulatory material to establish test apparatus, procedures, and evaluation criteria that will accomplish the intent of the proposed rule. The FAA does not agree. Testing has shown that the proposed standards do realistically discriminate between acceptable and unacceptable liners, and any further development work would unnecessarily delay introduction of improved liners in service.

One commenter supports the notice, but is concerned that the research and development testing did not account for the possible presence of hazardous materials in the cargo compartment. While any consideration of a regulation addressing the effects of hazardous materials would be beyond the scope of the notice, it is noted that standards concerning the carriage of hazardous materials are contained in Chapter I of Title 49, Code of Federal Regulations (CFR).

Although two commenters consider the proposed standards to be too stringent, these standards have been

shown to be necessary by full-scale testing and achievable with currently available materials. One of these two commenters further states that smoke and toxicity should also be addressed. Such standards would be beyond the scope of the notice and could not be considered at this time. It should be noted, however, that existing § 25.831 provides standards for crew and passenger compartment ventilation and evacuation of smoke. While there is evidence of the need for improved standards with respect to flame penetration, the FAA does not have evidence that the existing standards of § 25.831 do not provide adequate protection from smoke and toxicity. Standards for toxicity would be especially difficult to establish because there has not been sufficient research to adequately define acceptable levels of human tolerance to typical cargo or baggage compartment fire toxicants.

One commenter proposes the use of a "total flood" of extinguishing agent in lieu of improved standards for the liners. Similarly, another commenter believes the standards should give credit for an active fire extinguishing system by allowing the use of liners with less resistance to flame penetration than that proposed in the notice. These concepts are considered inadequate because liners with less ability to resist flame penetration are likely to fail very quickly before the extinguishing agent is effective, allowing the extinguishing agent to escape and rendering the extinguishing system inoperative.

One commenter compares the proposed standards for cargo or baggage compartment liners with the guidance in Advisory Circular AC 20-107A, Composite Aircraft Structure, for composites that are required to be fire-resistant. The commenter believes that the proposed standards are too stringent when compared to the standards for composite materials, considering that a fire in a cargo or baggage compartment would be less severe (according to the commenter) due to the limited amount of oxygen available. The comparison of the proposed standards with the guidance for composite materials is not appropriate because the purposes differ. The proposed standards for cargo or baggage compartments are intended to safely contain a fire. The guidance for composite materials is, on the other hand, to ensure that the structural integrity of the materials will be maintained during exposure to a fire.

Two commenters believe that the rulemaking for improving fire safety in air carrier airplanes is proceeding faster than the fire safety technology. The FAA has determined that the technology

exists for compliance with these new standards and that consequently the manufacturers can design liners for cargo and baggage compartments that meet the new standards.

Two commenters support the proposed standards for Class C and D compartments, but not for Class B or E compartments. A Class B compartment is typically the large cargo portion of the cabin in a combination passenger and cargo carrying airplane (frequently referred to as a "combi" airplane). A Class E compartment is the main cabin of an airplane used only for the carriage of cargo. Both Class B and E compartments may be dedicated solely to the carriage of cargo or may be convertible passenger or cargo compartments. (Airplanes with convertible compartments are frequently referred to as "quick change (QC)" airplanes.) The seats of QC airplanes are generally installed on pallets so that they can be removed rapidly for the carriage of cargo. The sidewalls, bulkheads and ceilings of the passenger interior then serve as the liners of the cargo compartments. Like Class C compartments, Class B and E compartments are required to have smoke or fire detection systems to give warning at the pilot or flight engineer station. For fire extinguishment, Class B compartments are required to have sufficient accessibility to enable a crewmember to effectively reach any part of the compartment with the contents of a hand fire-extinguisher. Class E compartments must have means to shut off the ventilating airflow and to exclude hazardous quantities of smoke, flames or noxious gases from the flightcrew compartment. Class B and E compartments, therefore, do not depend on the integrity of the liner to retain the agent from a built-in extinguishing system, as in a Class C compartment, or to limit the supply of oxygen, as in a Class D compartment.

Based on the lack of adverse service experience with Class B and E compartments to date, and the lack of full-scale test data that are directly applicable, the FAA concurs that the liners of these compartments need not meet the new standards. This does not preclude future rulemaking to require such liners to meet these standards if warranted by further service experience or testing.

Several commenters have presented opposing views concerning Class D compartments. Some contend that the proposed 1,000 cubic feet limitation of the volume of a Class D compartment is too restrictive. One commenter suggests that the rate of ventilation and leakage

for Class D compartments should be as low as practicable and should not exceed the following formula, which (according to the commenter) has been an acceptable means of compliance with the objective requirements of current § 25.857(d):

$W = 2,000 - V$

Where W = ventilation and leakage airflow in cu. ft. hr.

V = compartment volume in cu. ft.

One commenter further suggests that the burner heat flux density, flame temperature, and time of application, should be redefined to reflect conditions to be established by the FAA Technical Center by further testing for a Class D compartment that is greater than 1,000 cubic feet, but meets the above formula. As discussed in the notice, the tests conducted at the FAA Technical Center indicated that the intensity of a fire in a Class D compartment is dependent on compartment volume as well as the sum of compartment volume and the volume of leakage in a given period of time. In this regard, it was found that the intensity of a fire in a larger Class D compartment is much greater due to the total amount of oxygen available in compartments larger than approximately 1,000 cubic feet, and beyond the capability of the liner to resist flame penetration. While the leakage rate is an important consideration, a low rate does not mitigate the need to limit the total volume of a Class D compartment to 1,000 cubic feet. The more stringent standards that would be needed to safely contain a fire in a compartment greater than 1,000 cubic feet would be beyond the scope of the notice.

Other commenters, in contrast, believe that Class D compartments should be eliminated altogether. One commenter is concerned that a fire may originate in a Class D compartment that is nearly empty, grow out of control due to the greater amount of oxygen available, and spread to an adjacent compartment that does have combustible cargo or baggage. This scenario is considered unrealistic because the compartment in which the fire originates is unlikely to contain enough combustible materials to sustain an intense fire for an extended period if it is nearly empty. In this regard, the scenario presupposes, first, that the combination of compartment volume and leakage airflow and liner integrity are inadequate to safely suppress and contain the fire in the original compartment and, second, that the liner of the adjacent compartment is incapable of preventing burn-through in reverse. In light of the testing conducted,

the proposed standards would make both suppositions unlikely. The same commenter is concerned that in-service damage to liners may allow additional leakage airflow and compromise the capability of the liner to suppress a fire. The FAA notes the commenter's concern and concurs that the use of improved materials will increase the capability of the liners to suppress fires only if the integrity of the liners is maintained in service. In this regard, the FAA is presently emphasizing to operators the importance of properly maintaining the liners in all cargo or baggage compartments that are required to have liners and has stepped up surveillance of airline maintenance of cargo compartment liners. The commenter is also concerned about the failure of a ventilation control valve in a Class D compartment which, the commenter alleges, was the cause of the previously discussed Lockheed L-1011 accident. As also noted previously, the cause of the fire involved in that accident is a matter of considerable dispute, and has not been attributed to such a failure.

One commenter supports the proposed limitation of the volume of a Class D compartment to 1,000 cubic feet but believes a specific limitation on leakage airflow should also be imposed. The FAA concurs that the leakage airflow rate is an important factor. Such leakage must be considered for compliance with the objective requirements of current § 25.857(d)(1). As these objective requirements would remain applicable, it is not considered necessary to establish a specific limitation on leakage airflow.

Two commenters recommend that the FAA require fire detection systems for Class D cargo compartments so that the flightcrews would be alerted to the existence of a fire. Another commenter recommends that all cargo compartments, except Class A and B, should be classified as Class C. While these recommendations are beyond the scope of the notice, neither is considered to be warranted. As discussed above, the full-scale and other fire tests have shown that Class D compartments provide an acceptable level of safety if liners meeting the new standards are used and the volume does not exceed 1,000 cubic feet. As discussed below, the present standards are considered to provide an acceptable level of safety for Class B and E compartments.

One commenter notes that standards for flammability of seat cushions have been adopted (Amendment 25-59; 49 FR 43188; October 26, 1984) since the time Notice 84-11 was issued and believes that many of the elements of the testing

required for seats are also appropriate for liner testing.

Although there are necessary differences due to the nature of tests, the FAA concurs that the test methods and procedures should be the same wherever possible. The adopted test procedures have been changed accordingly.

One commenter recommends that the burner heat flux density, flame temperature, and time of application should be redefined to reflect the conditions to be established for a Class C compartment with a properly operating fire detection and extinguishing system. Based on the full-scale tests conducted, the FAA considers that the proposed criteria do simulate the exposure conditions (including burner heat flux density, temperature, and duration) of a realistic cargo fire in a Class C compartment equipped with detectors that provide indication of a fire within one minute, as required by existing § 25.858. The proposed standards are, therefore, considered appropriate in this regard and have been adopted in this final rule.

Several commenters suggest test specimen sizes other than the proposed 16 x 25 inches. One commenter recommends the use of 16 x 24 inch specimens in order to reduce waste when specimens are cut from a standard 4 x 8 foot sheet. The FAA concurs with this recommendation and the requirement has been changed accordingly.

As proposed, ceiling and sidewall liners would have to meet the improved standards while floor panels would only have to meet the current standards. Two commenters believe that flooring should also meet the higher standards; however, their position is not supported by the results of the full-scale testing. Such tests have shown that fires tend to burn upward, and there is little or no involvement of flooring. The improved standards are, therefore, not warranted for flooring.

In lieu of the proposed test panel size and positioning, one commenter suggests the use of a 610 mm x 610 mm panel centered horizontally 203 mm above the flame. Alternate panel sizes and positioning could be used under the equivalent safety provisions of § 21.21(b)(1) of this chapter provided the tests yield the same results. The suggested change is, therefore, unnecessary. The same commenter believes that negative test results should not preclude the use of aluminum as liner material. The FAA does not concur because, for reasons stated earlier, the FAA considers the proposed standards

to be the minimum required for safety. Testing conducted subsequent to Notice 84-11 has shown that aluminum sheet, in thicknesses typically used for liners, does not meet the proposed standards.

Several commenters express related concerns that the proposed rule would require only the basic panel material to be tested and that design features, such as joints, structural attachments, lamp units, lashing points and pressure relief panels, would be omitted. In this regard, one commenter contends that the proposed test seems to confuse two objectives: The need to demonstrate the ability of a material to resist flame penetration and the need to demonstrate fire containability of a "simulation" of the ceiling and sidewall. The commenter states that view A-A of Figure 1 of the notice shows the edges of the panel held in a manner that is not representative and is not therefore a "simulation" that will test a design detail.

In response to the commenter's concerns, the term "liner," as used in § 25.855(a-1), includes any design features that would affect the capability of the liner to safely contain a fire. Such features would, therefore, have to be tested along with the basic panel material unless they have been previously found satisfactory. For example, joints that are constructed with fireproof fasteners and are not subject to gaps caused by distortion need not be tested. On the other hand, the test specimens would include joints constructed with nonfireproof fasteners or joints subject to distortion. Similarly, test specimens would include lamp lenses, if failure of the lenses would allow flames to pass; however, lamps need not be included in the test specimen if the lamp incorporates a fireproof body that would prevent passage of flames. The test acceptance criteria have been clarified in this regard. One commenter also contends that the apparatus assumes that the sidewall will be vertical, which is not always the case. Tests have shown that results obtained with vertical panels are also representative of sidewalls that are inclined; therefore, the FAA considers the test apparatus to be appropriate in this regard.

One commenter suggests that it is unnecessary to test ceiling and sidewall panels simultaneously. The FAA concurs that it is not necessary to test ceiling and sidewall panels simultaneously; and it may, in some instances, be advantageous to test the panels separately. For example, material tested as a ceiling panel with a baffle installed to simulate the missing side panel would be qualified for use as

ceiling material with any otherwise qualified sidewall material. Furthermore, the material would also be qualified for use as sidewall material due to the test heat transfer characteristics. On the other hand, a material tested as a ceiling panel simultaneously with a sidewall panel would be qualified for use only with sidewalls of the material used in the sidewall test panel.

One commenter believes that the use of alternate burners should be allowed. The commenter notes that kerosene burners with improved adjustment and controlling devices are available and that gas-type burners could also be used. The proposed standards note that two particular burner models have been used in the past, but the standards do not specifically require use of those particular models. Any burner that meets the proposed standards could, therefore, be used. Other burners, such as gas-type burners, could be used under the equivalent level of safety provisions of § 21.21(b)(1) of this Chapter provided they are shown to give the same test results.

Two commenters believe that the test fixture should be revised to allow a baffle to be placed around the liner. The baffle would simulate a ceiling and thereby prevent the piloted ignition of combustion gases released by the test specimen. Such use of a baffle is not considered appropriate because combustible gases released from liner materials could reignite outside the compartment and contribute to the hazard in an actual cargo or baggage compartment fire. Furthermore, there are currently available materials constructed with resins that do not release such combustible gases.

The proposed burner test fuel is defined as "kerosene." One commenter believes that this term is too broad and notes that its use has led to problems in testing both cargo or baggage compartment liner materials and seat cushions. The FAA concurs and notes that the test fuel for the recently adopted seat cushion flammability standards (Amendment 25-59; 49 FR 43188; October 26, 1984) is defined as "#2 kerosene or equivalent." For consistency, the fuel for testing cargo or baggage compartment liners will also be defined as "#2 kerosene or equivalent."

The proposed burner cone is 12 inches wide at the exit. As equipment already in use incorporate burner cones that are 11 inches wide, one commenter recommends specifying that this dimension should be specified as 11.5 ± 0.5 inches in order to accommodate both sizes. It appears that

such a variation in burner cone area would cause variations in burner heat output and inconsistencies in test results. Use of the 11-inch wide cone specified for the recently adopted seat flammability standards (Amendment 25-59; 49 FR 43188; October 26, 1984) would eliminate the need for two separate cones while still assuring consistency of test results. The test apparatus specified for these tests has been changed accordingly.

Two commenters recommend conditioning the test specimens to 50 ± 5 percent relative humidity prior to testing. The FAA concurs. In order to assure consistent test results, the test specimen criteria will include such conditioning.

One commenter notes that there are brief excursions below the minimum temperature on any one thermocouple due to the transient nature of a fire. The commenter suggests that these excursions can be as great as 100°F. and as frequent as several seconds apart. In order to accommodate a temperature measuring device that takes periodic instantaneous readings rather than a continuous reading, the commenter recommends using the average of temperature and heat flux over a representative exposure time, e.g. one minute, in lieu of the minimum values. In general, it appears that such averaging would not ensure the intended level of safety. A temperature measuring device of this nature could, however, be used under the "other equivalent methods" provisions of § 25.855(a-1)(1) provided it is shown to provide test results equivalent to those that would be obtained with continuous reading devices.

One commenter suggests the proposed acceptance criteria that self-extinguishing time must be less than 15 seconds and that glow time must be less than 10 seconds are unnecessary. The FAA concurs that materials that meet the proposed burn-through criteria will inherently have satisfactory self-extinguishing and glow characteristics, and these criteria have been deleted.

Two commenters suggest increasing the measured limit 4 inches above a tested ceiling liner to more than 400 °F. (One commenter specifically recommends 500 °F.) Although the temperature measured at this point varies depending on the weave and resin of the material tested, tests have shown that many materials are capable of meeting the proposed limit. The proposed limit of 400 °F. is, therefore, considered appropriate.

One commenter believes that the standards should be more precise as to

what kind of heat energy shall be measured, i.e., heat radiation only or the total heat flux consisting of radiation and convection. The notice specifies total flux. To avoid possible confusion, a Foil Type Gardon Gage total heat flux calorimeter is specified.

One commenter recommends establishing the following tolerance for the thermocouple calibration temperature: a 1700 °F. minimum temperature averaged over the seven thermocouples with a maximum lower deviation for any one thermocouple of 100 °F. The FAA concurs that the standards must allow a tolerance in this regard as a matter of practicality. The rule is changed accordingly.

One commenter suggests that the test time be measured to flame penetration or test completion. The FAA concurs that this change is needed to cover tests in which the test is successfully completed without any penetration. The rule is changed accordingly.

One commenter requests an additional requirement to record the flame time after removal of the flame source and the glow time. As noted earlier, these criteria are unnecessary for materials that meet the proposed burn-through criteria. This addition is, therefore, unwarranted.

Since the time Notice 84-11 was issued, existing Appendix F of Part 25 has been reidentified as Appendix F, Part I, and new standards for flammability of seat cushions have been added as Appendix F, Part II by Amendment 25-59; (49 FR 43188; October 26, 1984). The new standards for cargo or baggage compartments are, therefore, added as Appendix F, Part III. Other nonsubstantive conforming editorial changes, including that to § 25.853(b), have also been made. Furthermore, minor nonsubstantive changes have been made to the test procedures.

Regulatory Evaluation

I. Cost Benefit Analysis

A. Costs

The costs of the amended regulations included in this final rule will result primarily from the additional fuel consumed by the airplanes subject to the rule as a result of the slight increase in airplanes weight necessary to comply with the new standards. The airplanes that would be affected are those newly designed transport category airplanes for which an application for type certificate is made on or after the effective date of the final rule. The precise number of airplanes which will be affected cannot be accurately predicted because of the uncertainties in

the number of future airplanes designs and the number of airplanes of each design that will be produced. The estimated costs of this final rule have, therefore, been based upon average total costs for a typical type certificate issued, rather than overall costs for all future airplanes types which may be certificated under the new standard. (This differs slightly from the methodology used in Notice 84-11, where fuel penalty costs were presented on an hourly basis.) Further, in developing the average total costs per type certificate issued, the FAA has estimated that a newly type certificated airplane will have a production run of approximately 1,000 airplanes, and that each airplane will have an average life of 60,000 hours, yielding a total of 60 million flight hours for all airplanes produced under a typical type certificate. Because both the costs of this rule, and the benefits of reduced exposure to the risk of a catastrophic cargo compartment fire, will be realized simultaneously during actual operation of the airplanes, the ratio of costs to benefits will remain unchanged regardless of the level of activity in any given year over the 40 to 50 year period during which airplanes produced under a type certificate will remain in active service. Thus, comparison can be made in the form of total costs and benefits for all airplanes produced under one type certificate, rather than in the form of discounted present values, which would necessitate making arbitrary assumptions about the rate of airplane production, activity, and attrition during each year of the 40 to 50 year period.

Of the materials which meet the more stringent flame penetration standards adopted in this final rule, fiberglass is currently considered the most feasible material for use as sidewall or ceiling panels of cargo or baggage compartments. This material is somewhat heavier than Kevlar or Nomex, the other two liner materials currently used in transport category airplanes. According to data compiled by the FAA, Boeing achieved a weight savings of approximately 150 pounds in each Model 767 airplane by using Kevlar instead of fiberglass for the ceiling and sidewall panels. Because the Model 767 falls approximately in the middle of the size range of existing transport category airplanes, the FAA has assumed, for purposes of this analysis, that a typical affected transport category airplane would incur an average weight penalty of approximately 150 pounds as a result of the need to use fiberglass liner materials in lieu of lighter alternatives, such as Kevlar or Nomex. This, of course, is based on the further

assumption that no new lightweight materials are developed which would meet the higher flame penetration standard.

Data compiled by the National Aeronautics and Space Administration (NASA) indicate that each additional pound of weight added to a transport category airplane results in an average additional fuel consumption of about 15 gallons per year per airplane, or an average of .006 gallons per hour based upon an average utilization rate of 2,500 hours per year per airplane. At the current jet fuel price of \$.85 per gallon, and 1,000 airplanes flying a total of 60,000 lifetime hours each, the total additional fuel cost attributable to the heavier liner material will be approximately \$46 million for each future type certificate that is issued. This cost will be incurred over a period of 40 to 50 years, and equates to about \$46 thousand per airplane distributed over the lifetime of that airplane. Actual costs can be expected to be less than this estimate because of expected improvements in the fuel efficiency of new technology engines.

Cargo or baggage compartments larger than 1,000 cubic feet in volume may currently be designed as Class D compartments in lieu of Class C compartments with smoke or fire detection and fire extinguishment systems. Under the terms of this amendment, compartments of this size in affected airplanes would have to be designed as Class C compartments. The FAA estimates that an average weight penalty of 150 pounds per affected airplane would result from the installation of smoke or fire detection and extinguishment systems in the Class C compartments that, in the absence of the rule change, would have been designed as Class D compartments. This will result in an additional \$46 million total weight penalty per type certificate for all airplanes built under type certificates which are also affected by this provision of the final rule.

Further, the cost of the smoke or fire detection and extinguishment systems must also be considered (this cost factor was erroneously omitted from the evaluation of Notice 84-11). The FAA estimates that system equipment, installation by the airframe manufacturer, and interest will add approximately \$10,500 to the cost of each airplane purchased, yielding a total additional cost of \$10.5 million per type certificate for the approximately 1,000 airplanes estimated to be built under a future type certificate. Although each individual airplane cost represents a capital expenditure, the total cost will

be spread over the entire production run of an airplane model produced under a type certificate, and further annualized by the purchaser of each airplane produced. Consequently, these detection and extinguishment system costs will be incurred over a period of 20 to 30 years. They have, therefore, been presented in the form of total costs rather than in the form of discounted present values for the same reasons discussed previously with respect to fuel costs.

The total cost of the liner material weight penalty, detection and extinguishment system weight penalty, and detection and extinguishment system equipment is estimated to be \$102 million per type certificate for those future designs which will be affected by both the amended Class D volume constraint and the new liner material standard. These total costs will be incurred over a period of 40 to 50 years, and equate to about \$102 thousand per airplane distributed over the lifetime of that airplane. It must also be noted that relatively few existing transport airplanes have Class D compartments which are larger than 1,000 cubic feet in volume. There are currently only three airplane designs in domestic use with such compartments (the McDonnell Douglas Models DC-8 and DC-10, and the Lockheed Model L-1011). Therefore, assuming no major change in the size distribution of transport airplanes, a relatively small proportion of airplanes type certificated in the future is expected to be affected by the reduction in the maximum allowable volume of a Class D compartment.

Some commenters stated that, in its analysis, the FAA neglected to consider costs related to design features such as panel joints, lamp assemblies, pressure relief panels, structural attachments, etc. These costs, if any, are considered negligible. This final rule applies only to new airplane designs; therefore, there are no redesign costs involved. Furthermore, most of the components and design techniques which are currently in use will meet the new standards. For the few instances in which current components or techniques cannot be used, the designer can choose to use other equivalent components or techniques that will meet the new standards and are currently available.

B. Benefits

The potential benefits of these rule changes are the avoided losses of life and property which would have resulted from those airplane fires that may be prevented by the provisions of the final rule. While a relatively minor benefit will result from the use of fiberglass, which is slightly less expensive to

purchase than Nomex or Kevlar, this cost saving is overshadowed by the saving of the total cost of a new airplane or the benefits of accidents prevented over the lifetime of an airplane design. Quantifying these benefits is somewhat difficult because most transport category airplanes currently in service have liners constructed of fiberglass materials which already meet the new standards, and because relatively few have Class D compartments which are larger than 1,000 cubic feet in volume.

Because of the limited number of airplane models currently in service which do not meet the new standards, a Poisson distribution has been used to estimate the probability of preventing random cargo compartment fire accidents during the total service life of a newly designed transport category airplane which is type certificated in accordance with the new standards. (This probability approach is somewhat different than the method used in Notice 84-11, in which a maximum possible accident rate was estimated.) The Poisson distribution provides a realistic model for predicting many random phenomena and frequently is used in safety analysis to estimate future accident risk. The Poisson distribution of potential catastrophic cargo compartment accidents provides a base line from which the potential benefits of the rule change can be measured. Because it is unlikely that the new liner standards or the Class D volume constraint can effectively prevent a catastrophic accident from developing in every possible fire scenario, a sensitivity analysis has been completed to compare the probable benefits which would result if the new standards were effective in 100 percent, 70 percent and 50 percent of the fire scenarios.

In order to develop the Poisson distribution for this analysis, it is necessary to determine the historical average rate of catastrophic cargo compartment fires. Of the three major transport category airplane models currently in service with liner materials that do not meet the new flame penetration standards, only one has been in service for an extended period of time. This is the Lockheed L-1011, which uses Nomex as the liner material in its cargo or baggage compartments. (The other two airplanes, Boeing Models 767 and 757, use Kevlar as the liner material, and each has been in service for only about three years.) Since the Model L-1011 entered service in 1972, it has experienced one catastrophic fire that was possibly related to the cargo compartment. The specific origin or cause of this fire is the subject of

considerable dispute; however, for the limited purposes of this document, it will be assumed that the fire originated in the cargo compartment. Based on these assumptions, the limited service experience with the Model L-1011 suggests a mean rate of one catastrophic cargo compartment fire accident in the total service life of all airplanes built under a type certificate which does not require compliance with the new standards. This mean rate of one may be used to develop the Poisson distribution of the probability of accidents which could be experienced by a future design which does not comply with the new liner material standards. The FAA believes that this is a conservative estimate of the mean accident rate because the current accumulated flight time of all Model L-1011 airplanes is far less than the 60 million hours of total flight time estimated in this analysis to be accumulated by all airplanes produced under a typical future type certificate.

Further, the same mean accident rate of one has been used to estimate benefits for those future designs which will be affected by the Class D volume constraint as well as the new liner material standard. Although it stands to reason that a greater safety benefit will be realized for those airplanes for which both fire protection deficiencies (Class D volume and liner material) is corrected, there have been no actual cargo compartment fire accidents that have been attributed to the size of the Class D compartment. Nevertheless, the full-scale tests conducted at the FAA Technical Center clearly indicated that the intensity of a fire in larger Class D compartments can become so great that the capability of the liner to resist flame penetration is exceeded. In the judgment of the FAA, a mean rate of one catastrophic cargo compartment accident is a reasonable compromise between the service history of existing noncompliant airplanes and the results of the laboratory tests. Therefore, this rate has been used to develop an order of magnitude estimate of the potential benefits which may be realized by those future airplane models affected by both of the new standards.

Applying the effectiveness coefficients of 100 percent, 70 percent, and 50 percent to the mean accident rate of one provides probability distributions, based upon each respective assumption about the effectiveness of the new standards, of the number of accidents which might be prevented for each future airplane design receiving a type certificate in compliance with the new standards.

The FAA estimates that the benefits which will be realized from avoiding a typical cargo compartment fire accident in the future will be the prevention of 110 passenger and crew fatalities (derived from FAA traffic data) and the loss of the airplane. Mid-size transport category airplanes which have recently received new type certificates and new designs currently under development are priced between \$30 million and \$60 million. The FAA, therefore, estimates that \$20 million is a reasonable price for a typical used transport category airplane of the future and has used this value as the quantifiable benefit of avoiding the loss of an airplane for each accident prevented.

Based on the Poisson distribution and the alternative effectiveness assumptions discussed above, there is a 63 percent probability that one or more catastrophic cargo compartment fire accidents will be prevented, if the new standards, are 100 percent effective, for each future airplane design issued a type certificate under the new standards. If the new standards are at least 70 percent effective, then the probability that one or more catastrophic accidents will be prevented for each type certificate is about 50 percent; and if the new standards are 50 percent effective, then there is a 40 percent probability that one or more accidents will be prevented for each type certificate. These potential benefit estimates must be compared to the 63 percent probability that, in the absence of these new standards, one or more catastrophic accidents will occur for each new type certificate that is issued which does not meet these standards.

C. Comparison of Costs and Benefits

The FAA has estimated that the total cost per type certificate for the new liner standard, distributed over a 40 to 50 year period, will be about \$46 million. The FAA expects that the majority of future airplane designs receiving new type certificates will be affected by the liner standard only. If one or more catastrophic accidents are prevented, then the loss of at least one airplane valued at \$20 million will be prevented, at least 110 fatalities will be prevented, and the cost per fatality avoided will not be greater than \$235 thousand. For those relatively few new aircraft designs which may be required to comply with both the amended liner material and the Class D compartment size standards, then the total costs increase to approximately \$102 million per type certificate over a 50 year period. If one or more accidents are prevented, the same benefits as those expected for airplanes subject to only the liner

standard will be realized, except that the maximum cost per fatality avoided will increase to approximately \$748 thousand.

Based upon a conservative estimate of the historic accident rate, and a sensitivity analysis of the potential effectiveness of the new standards, there is about a 40 to 60 percent probability that one or more catastrophic cargo compartment fire accidents will be prevented for each new type certificate that is issued, and that very reasonable cost-benefit relationships will be achieved. This compares to about a 60 percent probability that one or more catastrophic fire accidents will occur for each noncompliant type certificate that is issued in the absence of these new standards.

II. Regulatory Flexibility Act Determination

A final regulatory flexibility determination was conducted in compliance with the Regulatory Flexibility Act. The conclusion in the initial regulatory evaluation, that the rule will have no direct impact on small entities, is not altered by the present evaluation.

III. International Trade Impact Analysis

The amendment will have little or no impact on trade for both U.S. firms doing business in foreign countries and foreign firms doing business in the U.S. In the U.S., foreign manufacturers will have to meet U.S. requirements, and thus they will gain no competitive advantage. In foreign countries, foreign manufacturers could have some minor cost advantage if the foreign country does not require the improved design standards, but because the cost will be negligible compared to the new airplane cost, there will be essentially no impact.

Conclusion

For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291. The FAA has determined that this action is significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this rule does not have a significant economic effect on a substantial number of small entities, since none would be affected. A regulatory evaluation, including a Regulatory Flexibility Determination and Trade Impact Assessment, has been prepared for this regulation and has been placed in the Rules Docket. A copy of this evaluation

may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, Part 25 of the Federal Aviation Regulations (FAR), 14 CFR Part 25 is amended as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for Part 25 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. By amending § 25.853 by revising paragraph (b) to read as follows:

§ 25.853 Compartment interiors.

(b) Floor covering, textiles (including draperies and upholstery), seat cushions, padding, decorative and nondecorative coated fabrics, leather, trays and galley furnishings, electrical conduit, thermal and acoustical insulation and insulation covering, air ducting, joint and edge covering, liners of Class B and E cargo or baggage compartments, floor panels of Class C or D cargo and baggage compartments, insulation blankets, cargo covers, and transparencies, molded and thermoformed parts, air ducting joints, and trim strips (decorative and chafing), that are constructed of materials not covered in paragraph (b-2) of this section, must be self-extinguishing when tested vertically in accordance with the applicable portions of Part I of Appendix F of this Part, or other approved equivalent methods. The average burn length may not exceed 8 inches, and the average flame time after removal of the flame source may not exceed 15 seconds. Drippings from the test specimen may not continue to flame for more than an average of 5 seconds after falling.

3. By amending § 25.855 by revising paragraph (a-1), to read as follows:

§ 25.855 Cargo and baggage compartments.

(a-1) Class B through Class E cargo or baggage compartments, as defined in § 25.857, must have a liner and the liner must be separate from (but may be

attached to) the airplane structure, and must be tested as follows:

(1) Ceiling and sidewall liner panels of Class C and D compartments must meet the test requirements of Part III of Appendix F of this Part or other approved equivalent methods.

(2) Floor panels of all compartments and ceiling and sidewall liner panels of Class B and E compartments must be constructed of materials that meet at least the requirements set forth in § 25.853(b). Also, these liner panels must be tested at a 45 degree angle in accordance with the applicable portions of Part I of Appendix F of this Part or other approved equivalent methods. The flame may not penetrate (pass through) the material during application of the flame or subsequent to its removal. The average flame time after removal of the flame source may not exceed 15 seconds, and the average glow may not exceed 10 seconds.

4. By amending § 25.857 by adding a new paragraph (d)(6) to read as follows:

§ 25.857 Cargo compartment classification.

(d) * * *

(6) The compartment volume does not exceed 1,000 cubic feet.

5. By amending Appendix F by adding a new Part III to read as follows:

Appendix F to Part 25

Part III—Test Method to Determine Flame Penetration Resistance of Cargo Compartment Liners.

(a) Criteria for Acceptance.

(1) At least three specimens of cargo compartment sidewall or ceiling liner panels must be tested.

(2) Each specimen tested must simulate the cargo compartment sidewall or ceiling liner panel, including any design features, such as joints, lamp assemblies, etc., the failure of which would affect the capability of the liner to safely contain a fire.

(3) There must be no flame penetration of any specimen within 5 minutes after application of the flame source, and the peak temperature measured at 4 inches above the upper surface of the horizontal test sample must not exceed 400 °F.

(b) *Summary of Method.* This method provides a laboratory test procedure for measuring the capability of cargo compartment lining materials to resist flame penetration with a 2 gallon per hour (GPH) #2 Grade kerosene or equivalent burner fire source. Ceiling and sidewall liner panels may be tested individually provided a baffle is used to simulate the missing panel. Any specimen that passes the test as a ceiling liner panel may be used as a sidewall liner panel.

(c) Test Specimens.

(1) The specimen to be tested must measure $16 \pm \frac{1}{8}$ inches (406 ± 3 mm) by $24 \pm \frac{1}{8}$ inches (610 ± 3 mm).

(2) The specimens must be conditioned at 70 ± 5 °F. (21 ± 2 °C.) and $55 \pm 5\%$ humidity for at least 24 hours before testing.

(d) *Test Apparatus.* The arrangement of the test apparatus, which is shown in Figure 3 of Part II and Figures 1 through 3 of this Part of Appendix F, must include the components described in this section. Minor details of the apparatus may vary, depending on the model of the burner used.

(1) *Specimen Mounting Stand.* The mounting stand for the test specimens consists of steel angles as shown in Figure 1.

(2) *Test Burner.* The burner to be used in testing must—

(i) Be a modified gun type.

(ii) Use a suitable nozzle and maintain fuel pressure to yield a 2 GPH fuel flow. For example: an 80 degree nozzle nominally rated at 2.25 GPH and operated at 85 pounds per square inch (PSI) gage to deliver 2.03 GPH.

(iii) Have a 12 inch (305 mm) burner extension installed at the end of the draft tube with an opening 6 inches (152 mm) high and 11 inches (280 mm) wide as shown in Figure 3 of Part II of this Appendix.

(iv) Have a burner fuel pressure regulator that is adjusted to deliver a nominal 2.0 GPH of #2 Grade kerosene or equivalent.

Burner models which have been used successfully in testing are the Lenox Model OB-32, Carlin Model 200 CRD and Park Model DPL. The basic burner is described in FAA Powerplant Engineering Report No. 3A, Standard Fire Test Apparatus and Procedure for Flexible Hose Assemblies, dated March 1978; however, the test settings specified in this appendix differ in some instances from those specified in the report.

(3) Calorimeter.

(i) The calorimeter to be used in testing must be a total heat flux Foil Type Gardon Gage of an appropriate range (approximately 0 to 15.0 British thermal unit (BTU) per ft.² sec., 0–17.0 watts/cm²). The calorimeter must be mounted in a 6 inch by 12 inch (152 by 305 mm) by $\frac{3}{4}$ inch (19 mm) thick insulating block which is attached to a steel angle bracket for placement in the test stand during burner calibration as shown in Figure 2 of this Part of this Appendix.

(ii) The insulating block must be monitored for deterioration and the mounting shimmed as necessary to ensure that the calorimeter face is parallel to the exit plane of the test burner cone.

(4) *Thermocouples.* The seven thermocouples to be used for testing must be $\frac{1}{16}$ inch ceramic sheathed, type K, grounded thermocouples with a nominal 30 American wire gage (AWG) size conductor. The seven thermocouples must be attached to a steel angle bracket to form a thermocouple rake for placement in the test stand during burner calibration as shown in Figure 3 of this Part of this Appendix.

(5) *Apparatus Arrangement.* The test burner must be mounted on a suitable stand to position the exit of the burner cone a distance of 8 inches from the ceiling liner panel and 2 inches from the sidewall liner panel. The burner stand should have the capability of allowing the burner to be swung

away from the test specimen during warm-up periods.

(6) *Instrumentation.* A recording potentiometer or other suitable instrument with an appropriate range must be used to measure and record the outputs of the calorimeter and the thermocouples.

(7) *Timing Device.* A stopwatch or other device must be used to measure the time of flame application and the time of flame penetration, if it occurs.

(e) *Preparation of Apparatus.* Before calibration, all equipment must be turned on and allowed to stabilize, and the burner fuel flow must be adjusted as specified in paragraph (d)(2).

(f) *Calibration.* To ensure the proper thermal output of the burner the following test must be made:

(1) Remove the burner extension from the end of the draft tube. Turn on the blower portion of the burner without turning the fuel or igniters on. Measure the air velocity using a hot wire anemometer in the center of the draft tube across the face of the opening. Adjust the damper such that the air velocity is in the range of 1550 to 1800 ft./min. If tabs are being used at the exit of the draft tube, they must be removed prior to this measurement. Reinstall the draft tube extension cone.

(2) Place the calorimeter on the test stand as shown in Figure 2 at a distance of 8 inches (203 mm) from the exit of the burner cone to simulate the position of the horizontal test specimen.

(3) Turn on the burner, allow it to run for 2 minutes for warm-up, and adjust the damper to produce a calorimeter reading of 8.0 ± 0.5 BTU per ft.² sec. (9.1 ± 0.6 Watts/cm²).

(4) Replace the calorimeter with the thermocouple rake (see Figure 3).

(5) Turn on the burner and ensure that each of the seven thermocouples reads 1700 °F. ± 100 °F. (927 ± 38 °C.) to ensure steady state conditions have been achieved. If the temperature is out of this range, repeat steps 2 through 5 until proper readings are obtained.

(6) Turn off the burner and remove the thermocouple rake.

(7) Repeat (1) to ensure that the burner is in the correct range.

(g) Test Procedure.

(1) Mount a thermocouple of the same type as that used for calibration at a distance of 4 inches (102 mm) above the horizontal (ceiling) test specimen. The thermocouple should be centered over the burner cone.

(2) Mount the test specimen on the test stand shown in Figure 1 in either the horizontal or vertical position. Mount the insulating material in the other position.

(3) Position the burner so that flames will not impinge on the specimen, turn the burner on, and allow it to run for 2 minutes. Rotate the burner to apply the flame to the specimen and simultaneously start the timing device.

(4) Expose the test specimen to the flame for 5 minutes and then turn off the burner. The test may be terminated earlier if flame penetrations observed.

(5) When testing ceiling liner panels, record the peak temperature measured 4 inches above the sample.

(6) Record the time at which flame penetration occurs if applicable.

(h) *Test Report.* The test report must include the following:

(1) A complete description of the materials tested including type, manufacturer, thickness, and other appropriate data.

(2) Observations of the behavior of the test specimens during flame exposure such as delamination, resin ignition, smoke, ect., including the time of such occurrence.

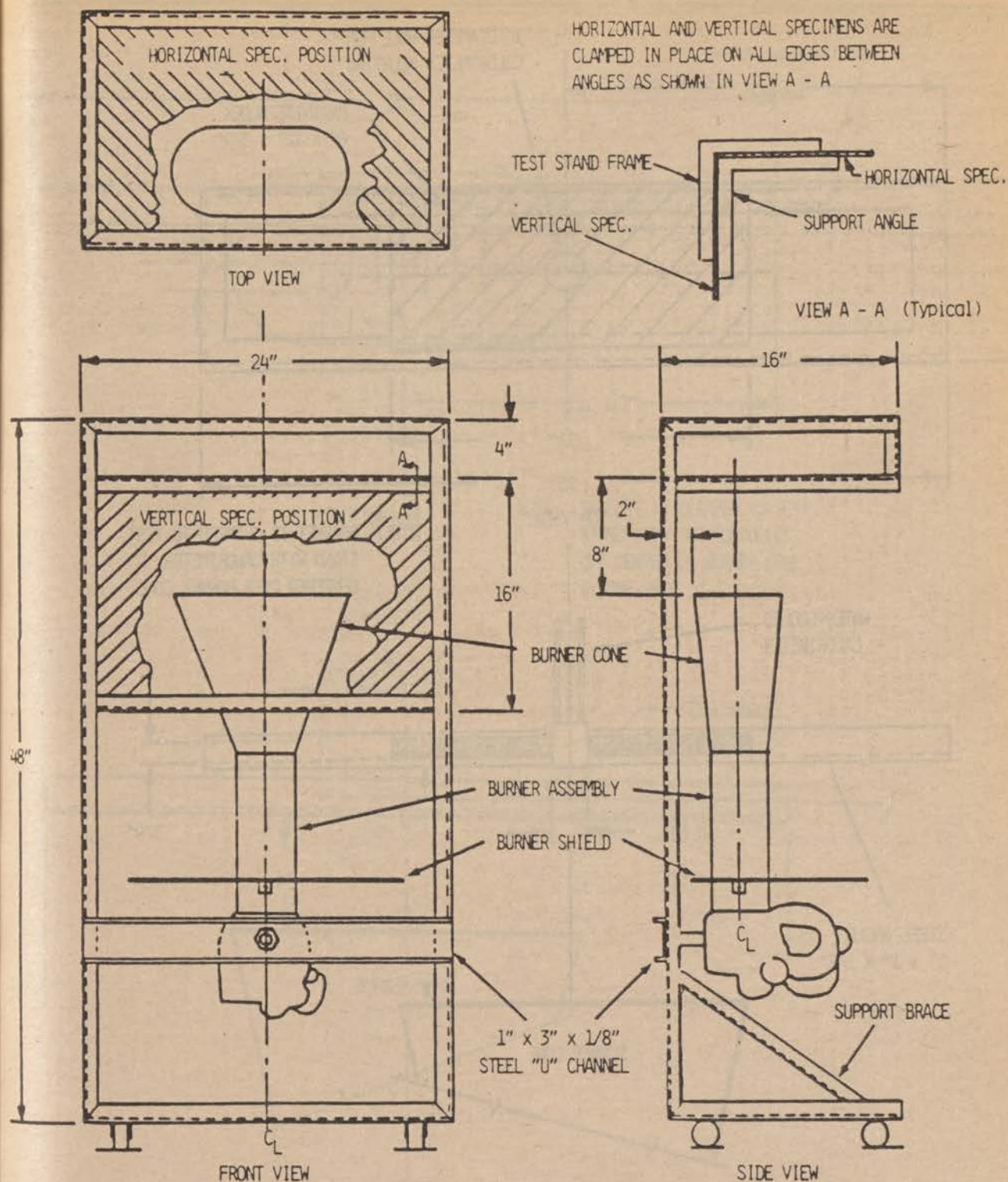
(3) The time at which flame penetration occurs, if applicable, for each of the three specimens tested.

(4) Panel orientation (ceiling or sidewall).

Donald D. Engen,

Administrator.

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TEST STAND IS CONSTRUCTED WITH 1" x 1" x 1/8" STEEL ANGLES, ALL JOINTS WELDED
SUPPORT ANGLES ARE 1" x 1" x 1/8" CUT TO FIT

FIGURE 1. TEST APPARATUS FOR HORIZONTAL AND VERTICAL MOUNTING

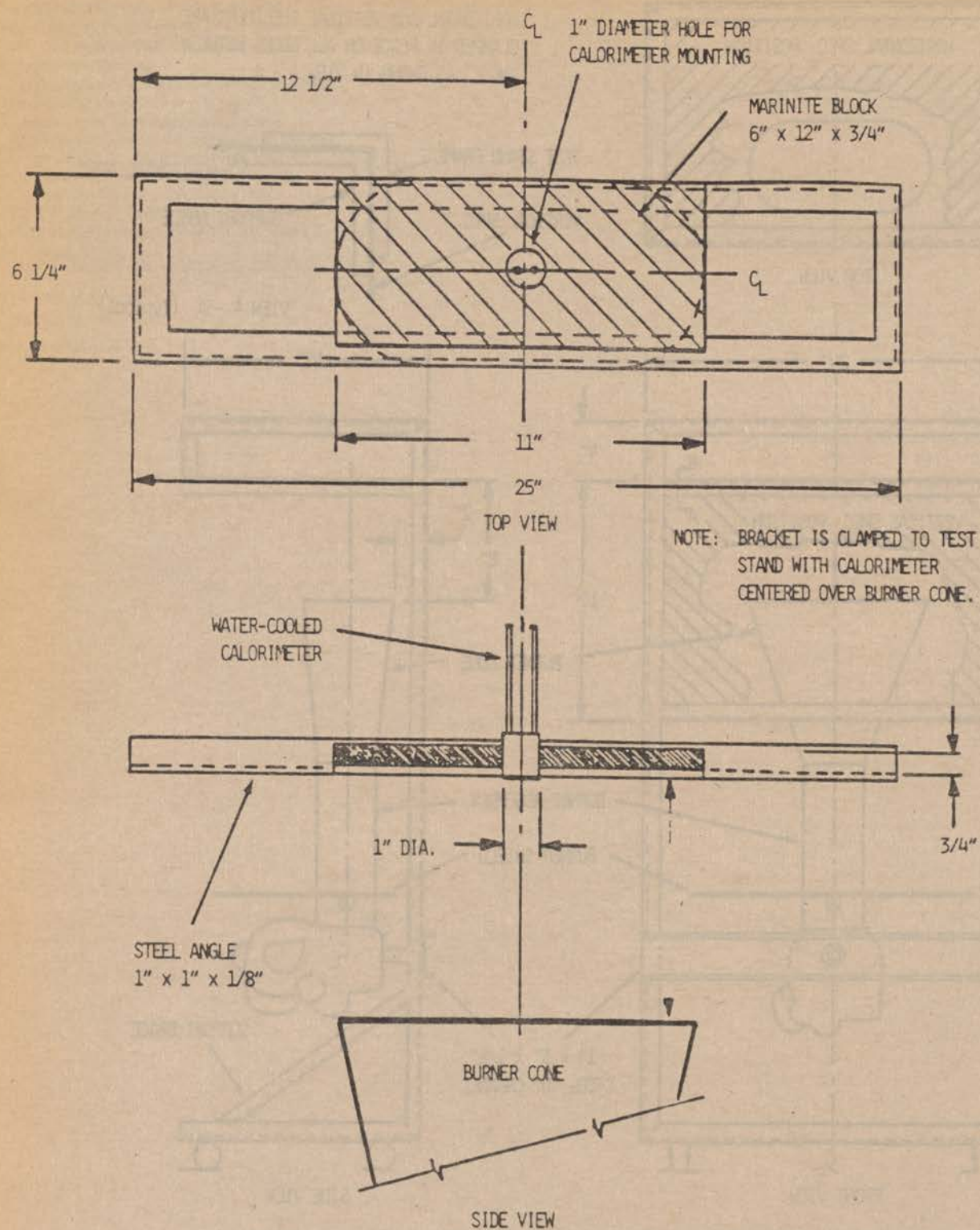
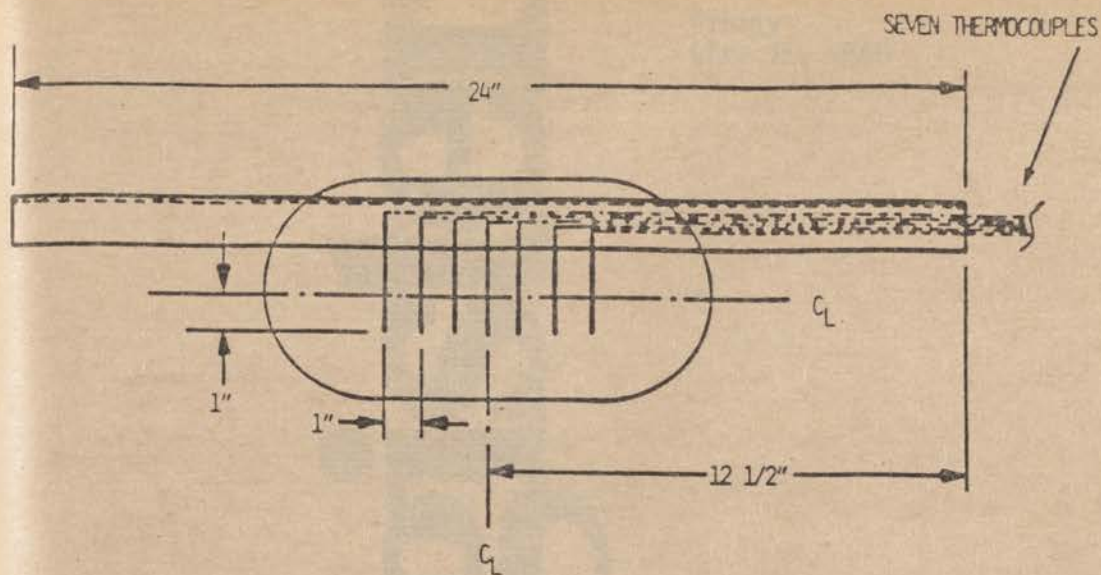
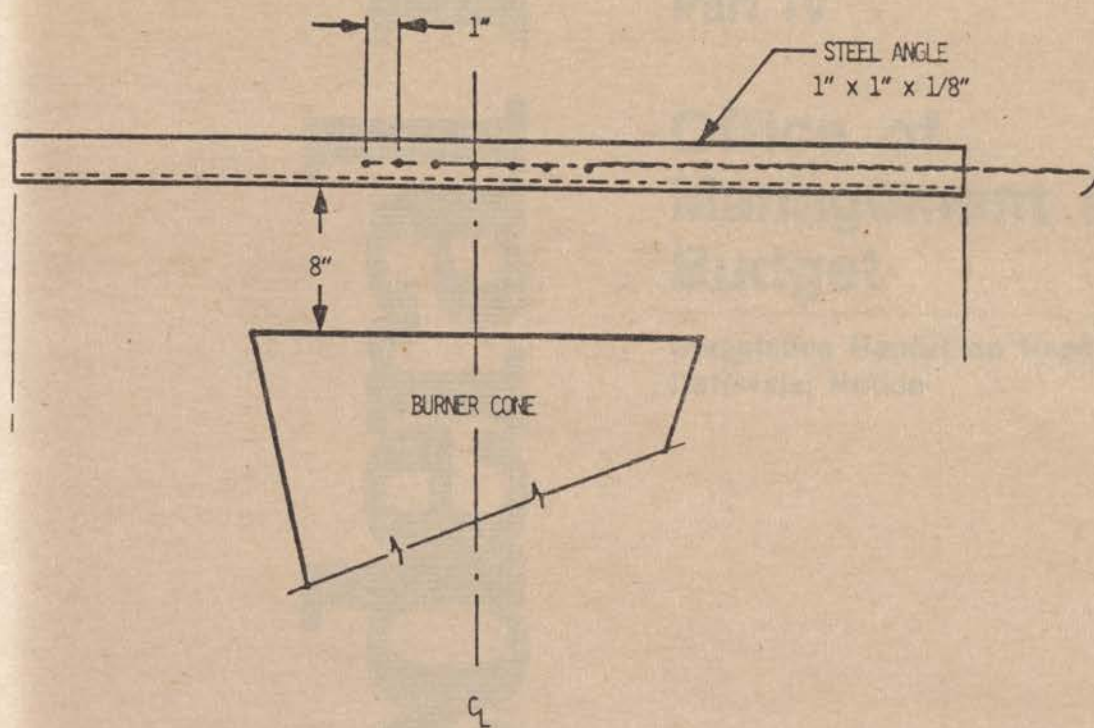


FIGURE 2. CALORIMETER BRACKET



TOP VIEW

NOTE: BRACKET IS CLAMPED TO TEST STAND WITH THERMOCOUPLES OFF CENTER OF BURNER CONE BY ONE INCH.



SIDE VIEW

FIGURE 3. THERMOCOUPLE RAKE BRACKET



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Postcard Project

Friday
May 16, 1986

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and
Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET**Cumulative Report on Rescissions and Deferrals**

May 1, 1986.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of May 1, 1986, of 83 rescission proposals and 66 deferrals contained in the six special messages of FY 1986. These messages

were transmitted to the Congress on October 1 and November 25, 1985, February 5, March 12, March 20, and April 25, 1986.

Rescissions (Table A and Attachment A)

As of May 1, 1986, there were rescission proposals totaling \$194.4 million pending before the Congress.

Deferrals (Table B and Attachment B)

As of May 1, 1986, \$11,933.1 million in 1986 budget authority was being deferred from obligation. Attachment B shows the history and status of each deferral reported during FY 1986.

Information From Special Messages

The special message containing information on the deferrals covered by

this cumulative report is printed in the **Federal Register** listed below:

Vol. 50, FR p. 41100, Tuesday, October 8, 1985

Vol. 50, FR p. 49498, Monday, December 2, 1985

Vol. 51, FR p. 5830, Tuesday, February 18, 1986

Vol. 51, FR p. 9154, Monday, March 17, 1986

Vol. 51, FR p. 10526, Wednesday, March 26, 1986

Vol. 51, FR p. 16274, Thursday, May 1, 1986

James C. Miller, III,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1986 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President.....	\$10,140.0
Accepted by the Congress.....	0
Rejected by the Congress.....	9,945.7 ^{a/}
Pending before the Congress.....	\$194.4

TABLE B

STATUS OF 1986 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President.....	\$24,720.7
Routine Executive releases through May 1, 1986..... (OMB/Agency releases of \$12,622.8 million and cumulative adjustments of \$58.8 million)	-12,564.0
Overtaken by the Congress.....	-223.6
Currently before the Congress.....	\$11,933.1

^{a/} Rescission proposals transmitted with the FY 1987 Budget were released immediately following expiration of the 45-day clock on rescissions under the Impoundment Control Act. However, the proposals continue to be subject to Congressional action.

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1986

As of May 1, 1986 Amounts in thousands of dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
FUNDS APPROPRIATED TO THE PRESIDENT								
Multilateral Assistance								
International organizations and programs.....	R86-1			2-5-86				
	R86-1A	39,760		3-20-86		39,760	4-16-86	
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization and Conservation Service								
Rural clean water program.....	R86-2	6,000		2-5-86		6,000	4-16-86	
Agricultural conservation program.....	R86-3	140,839		2-5-86		140,839	4-16-86	
Water bank program.....	R86-4	8,371		2-5-86		8,371	4-16-86	
Dairy indemnity program.....	R86-5	95		2-5-86		95	4-16-86	
Rural Electrification Administration								
Reimbursement to the Rural electrification and telephone revolving fund for interest subsidies and losses.....	R86-6	100,000		2-5-86		100,000	4-16-86	
Purchase of Rural Telephone Bank capital stock.....	R86-7	28,710		2-5-86		28,710	4-16-86	
Farmers Home Administration								
Rural development loan fund.....	R86-10	13,674		2-5-86		13,674	4-16-86	
Soil Conservation Service								
Watershed and flood prevention operations.....	R86-11	60,401		2-5-86		60,401	4-16-86	
Great plains conservation program.....	R86-12	6,606		2-5-86		6,606	4-16-86	
Food and Nutrition Service								
Food donations program.....	R86-13	5,183		2-5-86		5,183	4-16-86	
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs.....	R86-14	101,309		2-5-86		101,309	4-16-86	
International Trade Administration								
Operations and administration.....	R86-15	19,290		2-5-86		19,290	4-16-86	
National Oceanic and Atmospheric Administration								
Operations, research, and facilities.....	R86-16	63,323		2-5-86		63,323	4-16-86	
National Telecommunications and Information Administration								
Public telecommunications facilities, planning and construction.....	R86-17	21,820		2-5-86		21,820	4-16-86	
DEPARTMENT OF DEFENSE - MILITARY								
Procurement								
Procurement of weapons and tracked combat vehicles, Army.....	R86-81		34,400	4-25-86				
Shipbuilding and conversion, Navy.....	R86-82		40,100	4-25-86				
Other procurement, Air Force.....	R86-83		40,000	4-25-86				
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Compensatory education for the disadvantaged.....	R86-18	7,177		2-5-86		7,177	4-16-86	
Special programs.....	R86-19	37,782		2-5-86		37,782	4-16-86	
Office of Bilingual Education and Minority Languages Affairs								
Immigrant education.....	R86-20	28,710		2-5-86		28,710	4-16-86	
Office of Special Education and Rehabilitative Services								
Education for the handicapped.....	R86-21	44,364		2-5-86		44,364	4-16-86	
Rehabilitation services and handicapped research.....	R86-22	75,439		2-5-86		75,439	4-16-86	
Payments to institutions for the handicapped.....	R86-23	446		2-5-86		446	4-16-86	
Office of Vocational and Adult Education								
Vocational and adult education.....	R86-24	210,337		2-5-86		210,337	4-16-86	
Office of Postsecondary Education								
Student financial assistance.....	R86-25	456,347		2-5-86		456,347	4-16-86	
Higher education.....	R86-26	180,882		2-5-86		180,882	4-16-86	
Special Institutions								
Howard University.....	R86-27	5,699		2-5-86		5,699	4-16-86	

Attachment A - Status of Rescissions - Fiscal Year 1986

As of May 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently Before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Office of Educational Research and Improvement Libraries.....	R86-28	33,017		2-5-86		33,017	4-16-86	
DEPARTMENT OF ENERGY								
Energy Programs								
Energy supply, research and development activities.....	R86-8		38,489	3-12-86				
Fossil energy research and development...	R86-80		13,072	3-12-86				
	R86-80A		13,130	4-8-86				
Energy conservation.....	R86-77		9,816	3-12-86				
	R86-77A		5,344	3-20-86				
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Resources and Services Administration								
Health resources and services.....	R86-9	211,455		2-5-86		211,455	4-17-86	
Indian health.....	R86-29	24,262		2-5-86		24,262	4-16-86	
Indian health facilities.....	R86-30	38,642		2-5-86		38,642	4-16-86	
Centers for Disease Control								
Disease control, research, and training..	R86-31	34,096		2-5-86		34,096	4-17-86	
National Institutes of Health								
National Cancer Institute.....	R86-32	6,800		2-5-86		6,800	4-18-86	
National Heart, Lung and Blood Institute.	R86-33	11,469		2-5-86		11,469	4-18-86	
National Institute of Diabetes and Digestive and Kidney Diseases.....	R86-34	7,980		2-5-86		7,980	4-18-86	
National Institute of Neurological and Communicative Disorders and Strokes....	R86-35	9,554		2-5-86		9,554	4-18-86	
National Institute of Allergy and Infectious Disease.....	R86-36	1,513		2-5-86		1,513	4-18-86	
National Institute of General Medical Sciences.....	R86-37	7,358		2-5-86		7,358	4-18-86	
National Institute of Child Health and Human Development.....	R86-38	1,150		2-5-86		1,150	4-18-86	
National Eye Institute.....	R86-39	5,224		2-5-86		5,224	4-18-86	
National Institute on Aging.....	R86-40	2,679		2-5-86		2,679	4-18-86	
Office of the Director.....	R86-41	23,055		2-5-86		23,055	4-18-86	
Alcohol, Drug Abuse, and Mental Health Administration								
Alcohol, drug abuse, and mental health...	R86-42	39,718		2-5-86		39,718	4-18-86	
Health Care Financing Administration								
Program management.....	R86-43	912		2-5-86		912	4-16-86	
Social Security Administration								
Refugee and entrant assistance.....	R86-44	87,551		2-5-86		87,551	4-16-86	
Human Development Services								
Human development services.....	R86-45	29,980		2-5-86		29,980	4-16-86	
Family social services.....	R86-46	6,157		2-5-86		6,157	4-16-86	
Work incentives.....	R86-47	45,884		2-5-86		45,884	4-16-86	
Community services block grant.....	R86-48	182,139		2-5-86		182,139	4-16-86	
Community development credit union revolving fund.....	R86-49	2,529		2-5-86		2,529	4-16-86	
Departmental Management								
General Departmental management.....	R86-50	19,619		2-5-86		19,619	4-16-86	
Policy research.....	R86-51	220		2-5-86		220	4-16-86	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs.....	R86-52	4,416,151		2-5-86		4,416,151	4-16-86	
Congregate services program.....	R86-53	2,555		2-5-86		2,555	4-16-86	
Housing counseling assistance.....	R86-54	3,313		2-5-86		3,313	4-16-86	
Community Planning and Development								
Urban development action grants.....	R86-55	220,062		2-5-86		220,062	4-16-86	
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Land acquisition.....	R86-56	3,000		2-5-86		3,000	4-16-86	
United States Fish and Wildlife Service								
Land acquisition.....	R86-57	4,951		2-5-86		4,951	4-16-86	
National Park Service								
Construction.....	R86-58	13,613		2-5-86		13,613	4-16-86	
Land acquisition.....	R86-59	83,917		2-5-86		83,917	4-16-86	
Historic preservation fund.....	R86-60	18,523		2-5-86		18,523	4-16-86	

Attachment A - Status of Rescissions - Fiscal Year 1986

As of May 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently Before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF JUSTICE								
Federal Prison System								
National Institute of Corrections.....	R86-61	3,315		2-5-86		3,315	4-16-86	
Office of Justice Programs								
Justice assistance.....	R86-62	134,666		2-5-86		134,666	4-16-86	
DEPARTMENT OF LABOR								
Employment and Training Administration								
Training and employment services.....	R86-63	416,037		2-5-86		416,037	4-16-86	
DEPARTMENT OF TRANSPORTATION								
Federal Railroad Administration								
Rail service assistance.....	R86-64	14,355		2-5-86		14,355	4-16-86	
Northeast corridor improvement program...	R86-65	11,962		2-5-86		11,962	4-16-86	
Railroad rehabilitation and improvement financing funds.....	R86-66	32,059		2-5-86		32,059	4-16-86	
Urban Mass Transportation Administration								
Discretionary grants.....	R86-67	521,275		2-5-86		521,275	4-16-86	
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
Payments to State and local government fiscal assistance trust fund.....	R86-68	759,975		2-5-86		759,975	4-16-86	
Federal Law Enforcement Training Center								
Salaries and expenses.....	R86-69	4,976		2-5-86		4,976	4-16-86	
United States Customs Service								
Salaries and expenses.....	R86-70	4,169		2-5-86		4,169	4-16-86	
Operation and maintenance, air interdiction program.....	R86-71	19,275		2-5-86		19,275	4-16-86	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and development.....	R86-72	26,796		2-5-86		26,796	4-16-86	
OFFICE OF PERSONNEL MANAGEMENT								
Government payment for annuitants, employees health benefits.....	R86-73	600,000		2-5-86		600,000	4-16-86	
OTHER INDEPENDENT AGENCIES								
Appalachian Regional Commission								
Appalachian regional development programs	R86-74	81,000		2-5-86		81,000	4-16-86	
Corporation for Public Broadcasting								
Public broadcasting fund.....	R86-75	44,000		2-5-86		44,000	4-16-86	
National Endowment for the Humanities								
Grants and administration.....	R86-76	1,903		2-5-86		1,903	4-16-86	
State Justice Institute								
Salaries and expenses.....	R86-78	7,656		2-5-86		7,656	4-16-86	
United States Railway Association								
Administrative expenses.....	R86-79	640		2-5-86		640	4-16-86	
Total, rescissions.....		9,945,671	194,351			9,945,671		

Notes. - The amount of the rescission proposal for Subsidized housing programs (R86-52) for the "Rental rehabilitation grants program" was inadvertently shown in the Third Special Message as \$71,755,000 instead of \$71,775,000. This report reflects the correct amount.

The following rescission proposal has been adjusted downward to reflect the impact of sequestration: R86-54..... \$3,312,500

On April 8, 1986, the General Accounting Office reclassified a portion of Deferral No. 86-6A as a rescission. This is shown above as Rescission No. 86-80A.

Attachment B - Status of Deferrals - Fiscal Year 1986

As of May 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 5-1-86
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs..	D86-1	10,000		10-1-85					10,000
International Security Assistance									
Foreign military sales credit.....	D86-32	4,590,000		2-5-86	2,453,162				2,136,838
Economic support fund.....	D86-24 D86-24A	1,222,216	1,936,060	11-25-85 2-5-86	1,554,621			10,116	1,643,771
Military assistance program.....	D86-33	661,350		2-5-86	618,146				43,204
International military education and training.....	D86-34	27,245		2-5-86	27,245				0
Agency for International Development									
International disaster assistance.....	D86-59	64,607		3-12-86	38,023				26,585
Multilateral Development Banks									
Contribution to the special facility for sub-saharan Africa.....	D86-35	75,000		2-5-86	75,000				0
DEPARTMENT OF AGRICULTURE									
Farmers Home Administration									
Rural housing insurance fund.....	D86-60	700,000		3-12-86					700,000
Forest Service									
Expenses, brush disposal.....	D86-2 D86-2A	77,913	30,893	10-1-85 3-12-86	7,300				101,506
Timber salvage sales.....	D86-3	22,854		10-1-85	151				22,702
Cooperative work.....	D86-61	442,336		3-12-86					442,336
DEPARTMENT OF COMMERCE									
Economic Development Administration									
Economic development assistance programs.....	D86-36	40,000		2-5-86					40,000
National Oceanic and Atmospheric Administration									
Promote and develop fishery products and research pertaining to American fisheries	D86-26	32,333		11-25-85	32,333				0
Fisheries loan fund.....	D86-25 D86-25A	1,959	338	11-25-85 2-5-86					2,297
Patent and Trademark Office									
Salaries and expenses.....	D86-65	1,977		3-20-86					1,977
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, Defense.....	D86-4 D86-4A	353,079	1,488,579	10-1-85 2-5-86	1,859,651			20,343	2,350
Family Housing									
Family housing, Defense.....	D86-27 D86-27A	11,800	210,042	11-25-85 2-5-86	83,042				138,800
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation.....	D86-5 D86-5A	1,168	88	10-1-85 2-5-86	124			106	1,238
DEPARTMENT OF ENERGY									
Energy Programs									
Energy supply, research and development activities.....	D86-38	65,763		2-5-86	39,909				25,854
Uranium supply and enrichment activities...	D86-58	584,158		2-5-86					584,158
Fossil energy research and development.....	D86-6 D86-6A	9,247	55,565	10-1-85 2-5-86	33,174			(6,490)	25,148
Fossil energy construction.....	D86-7	7,038		10-1-85	4,964				2,074
Naval petroleum and oil shale reserves....	D86-8 D86-8A	155,668	10,798	10-1-85 2-5-86	130,005				36,461
Energy conservation.....	D86-9 D86-9A	9,880	26,902	10-1-85 3-12-86	18,400			3,080	21,462
Strategic petroleum reserve.....	D86-37	197,941		2-5-86	156,759				41,182

Attachment B - Status of Deferrals - Fiscal Year 1986

As of May 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 5-1-86
SPR petroleum account.....	D86-10 D86-10A	536,958		10-1-85 2-5-86					577,534
Alternative fuels production.....	D86-11 D86-11A	1,149	750	10-1-85 2-5-86	1,899				0
Power Marketing Administration									
Alaska Power Administration, Operation and maintenance.....	D86-62	400		3-12-86					400
Southeastern Power Administration, Operation and maintenance.....	D86-12	25,344		10-1-85	23,936			681	2,089
Southwestern Power Administration, Operation and maintenance.....	D86-13 D86-13A	5,000	8,243	10-1-85 2-5-86					13,243
Western Area Power Administration, Construction, rehabilitation, operation and maintenance.....	D86-14 D86-14A	27,095	16,371	10-1-85 3-12-86					43,466
Departmental Administration									
Departmental administration.....	D86-15 D86-63	8,501 393		10-1-85 3-12-86	8,501				0 393
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health Scientific activities overseas (special foreign currency program).....	D86-16	3,000		10-1-85					3,000
Health Care Financing Administration Program management.....	D86-57	8,489		2-5-86					8,489
Social Security Administration Limitation on administrative expenses (construction).....	D86-28 D86-28A	6,489	157	11-25-85 2-5-86					6,647
Limitation on administrative expenses (excludes disability determination services).....	D86-39	30,000		2-5-86	30,000				0
Limitation on administrative expenses (information technology systems).....	D86-40	114,641		2-5-86					114,641
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Annual contributions for assisted housing - Budget authority.....	D86-41	7,032,443		2-5-86	4,731,637				2,300,805
Contract authority.....	D86-42	641		2-5-86	641				0
Rental housing development grants.....	D86-43	77,400		2-5-86	77,400				0
Congregate services program.....	D86-44	2,670		2-5-86	2,670				0
Housing for the elderly or handicapped fund.....	D86-45	599,801		2-5-86	69,581				530,220
Nonprofit sponsor assistance.....	D86-46	1,000		2-5-86	543				457
Community Planning and Development									
Rental rehabilitation grants program.....	D86-47	77,000		2-5-86	77,000				0
Community development grants.....	D86-48	500,000		2-5-86					500,000
Urban development action grants.....	D86-49	251,000		2-5-86	251,000				0
Rehabilitation loan fund.....	D86-50	135,535		2-5-86	4,402				131,133
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Payments for proceeds, sale of Mineral Leasing Act of 1920, Section 40(d).....	D86-66	49		3-20-86					49
National Park Service									
Land acquisition and State assistance.....	D86-64	1,893		3-12-86					1,893
DEPARTMENT OF JUSTICE									
Bureau of Prisons									
Buildings and facilities.....	D86-17 D86-17A	20,000	10,730	10-1-85 2-5-86					30,730
Office of Justice Programs									
Crime victims fund.....	D86-18 D86-18A	100,000	3,396	10-1-85 2-5-86	4,300				99,096

Attachment B - Status of Deferrals - Fiscal Year 1986

As of May 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 5-1-86
DEPARTMENT OF LABOR									
Employment and Training Administration State unemployment insurance and employment service operation.....	D86-51	37,000		2-5-86	33,089				3,911
DEPARTMENT OF STATE									
Bureau of Refugee Programs United States emergency refugee and migration assistance fund, executive.....	D86-19	18,082		10-1-85					18,082
Other Assistance for implementation of a Contadora agreement.....	D86-20	2,000		10-1-85					2,000
DEPARTMENT OF TRANSPORTATION									
Federal Railroad Administration Conrail labor protection.....	D86-52	4,565		2-5-86					4,565
Urban Mass Transportation Administration Discretionary grants.....	D86-21	223,600		10-1-85		223,600 P.L. 99-190			0
Federal Aviation Administration Facilities and equipment (Airport and airway trust fund).....	D86-29 D86-29A	696,438	681,723	11-25-85 2-5-86	28,011				1,340,151
Maritime Administration Operations and training.....	D86-53 D86-53A	9,350	888	2-5-86 3-20-86	8,500				1,738
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing Local government fiscal assistance trust fund.....	D86-30 D86-30A D86-30B	7,743	97,483 19,774	11-25-85 2-5-86 3-12-86	125,712			712	(0)
Local government fiscal assistance trust fund.....	D86-31 D86-31A	54,349	25,651	11-25-85 3-12-86	5,049			244	75,195
OTHER INDEPENDENT AGENCIES									
Commission on the Ukraine Famine Salaries and expenses.....	D86-54	233		2-5-86					233
Pennsylvania Avenue Development Corporation Land acquisition and development fund.....	D86-22	10,947		10-1-85					10,947
Railroad Retirement Board Milwaukee railroad restructuring, administration.....	D86-23	243		10-1-85	43				200
Dual benefits payments account.....	D86-55	2,201		2-5-86	2,009				192
United States Information Agency Acquisition and construction of radio facilities.....	D86-56	66,545		2-5-86	4,880				61,666
TOTAL, DEFERRALS.....		20,055,719	4,665,008		12,622,811	223,600		58,792	11,933,107

Note: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D86-30B) of outlays only.

Some of the amounts shown above as "Cumulative OMB/Agency Releases" were sequestered pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

On April 8, 1986, the General Accounting Office reclassified a portion of Deferral No. 86-6A as a rescission. This is shown on Attachment A as Rescission No. 86-80A.

[FR Doc. 86-11081 Filed 5-15-86; 8:45 am]

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Friday
May 16, 1986

Part V

**Department of the
Treasury**

Fiscal Service

**31 CFR Part 357
Regulations Governing Book-Entry
Treasury Bonds, Notes, and Bills; Final
Rule**

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular,
Public Debt Series No. 2-86]

Regulations Governing Book-Entry
Treasury Bonds, Notes, and Bills

AGENCY: Bureau of the Public Debt,
Fiscal Service.

ACTION: Final rule.

SUMMARY: The Bureau of the Public Debt hereby publishes, as a final rule, that portion of the proposed rule establishing a revised book-entry system governing all marketable Treasury securities to be held in the TREASURY DIRECT book-Entry Securities System [formerly known as "T-DAB" but now referred to as "TREASURY DIRECT"]. With the exception of certain definitions which apply only to TREASURY DIRECT, Subpart A of the rule, which provides general and definitional information about the revised book-entry system, and certain other provisions of the rule governing marketable Treasury securities held in the commercial counterpart [formerly known as "T-FED" but now known as "TRADES," i.e., Treasury/Reserve Automated Debt Entry System], were published separately for comment at 51 FR 8846 on March 14, 1986. That portion will be published as part of the final rule after the end of the comment period and following consideration of the comments submitted.

As explained in the notice of proposed rulemaking for the TREASURY DIRECT regulations on December 2, 1985, at 50 FR 49412, Treasury bonds and notes issued after the effective date for TREASURY DIRECT will no longer be offered in physical form, but will be available only in book-entry. Treasury bills, which are currently offered only in book-entry form, will be added to the TREASURY DIRECT system on a phased-in basis. All book-entry Treasury securities will be available in TRADES, which will be essentially a continuation of the system currently being maintained through the Federal Reserve Banks.

To provide a complete rule in a single document, the Department plans to republish the final TREASURY DIRECT regulations set forth below with the publication of the regulations as finally adopted for TRADES.

EFFECTIVE DATE: These regulations shall be effective July 1, 1986, and shall apply to securities made eligible for TREASURY DIRECT either by the

applicable offering circular or by announcement by the Secretary of the Treasury.

FOR FURTHER INFORMATION CONTACT: Cynthia Reese, Attorney-Adviser (202-376-4320), or John E. Logue, Attorney-in-Charge (202-447-9859).

SUPPLEMENTARY INFORMATION: The Bureau of the Public Debt, in its Notice of Proposed Rulemaking on December 2, 1985, at 50 FR 49412, referred to the book-entry system to be established by the regulations as T-DAB, an acronym for Treasury Direct Access Book-Entry Securities System. It was subsequently decided that TREASURY DIRECT would be more understandable in referring to the new book-entry system, better communicating its central feature, i.e., a Treasury-operated system to which investors have direct access. Where the term "T-DAB" appeared in the proposed rule, the term "TREASURY DIRECT" has now been substituted.

Discussion of Final Rule

Background

Twenty-four written comments were received to the notice of proposed rulemaking from various sources, including Federal agencies, trade associations, as well as financial and commercial investment institutions. With the exception of one bank, all commentators endorsed the concept of a certificateless security.

The grouping and identification of the comments received have been made on a section-by-section basis, with an explanation of the action taken with respect thereto. As circumstances necessitated the publication of the rule in two segments, in order to make each part more understandable, certain definitions, such as those for "Department" and "securities", have appeared in the proposed rule for both TREASURY DIRECT and TRADES, and were slightly modified in the proposed rules on TRADES. Because these modifications represent non-substantive clarifications, and to avoid confusion as between the two portions of the rules, the definitions as used in TRADES have been adopted.

Section-By-Section Analysis

Section 357.21 Registration.

The forms of registrations provided for securities to be held in TREASURY DIRECT have different legal effect from those currently provided for in the case of definitive Treasury securities and for the Treasury's book-entry Treasury bill system. A comment was received that, as a result, this could lead to some confusion, and that the Treasury bill

forms of recordation currently offered should be changed, particularly since Treasury bills will be phased into TREASURY DIRECT gradually. The Bureau believes that the benefits of uniformity of rights and interests that TREASURY DIRECT investors will derive far outweigh any possible confusion. As for confusion with the current Treasury bill book-entry system, given the fact that Treasury bills have a term of not more than a year, it is believed that the problem, if any, will be short-lived.

Given the importance of the change that TREASURY DIRECT provides as to registration, the discussion thereof that accompanied the Notice of Proposed Rulemaking is re-published below.

"Forms of Registration. The proposed rule provides the investor with a variety of registration options. They are essentially similar to those provided for registered, definitive marketable Treasury securities. Investors should be particularly aware that, where the security is held in the names of two individuals, the registration chosen may establish rights of survivorship.

"The reason for establishing the rights of ownership for securities held in TREASURY DIRECT is that it will give investors the assurance that the forms of registration they select will establish conclusively the rights to their book-entry securities. It will also serve to eliminate some of the uncertainties, as well as possible conflicts, between the varying laws of the several States.

"A Federal rule of ownership is being adopted by the Treasury for TREASURY DIRECT securities. This regulatory approach is consistent with the one previously taken in the case of United States Savings Bonds. It will have the effect of overriding inconsistent State laws. See, *Free v. Bland*, 369 U.S. 663 (1962).

"In the case of individuals (who are likely to be by far the majority of holders of securities in TREASURY DIRECT), the options offered will permit virtually all the preferred forms of ownership. At the investor's option, it will be possible to provide for the disposition of the securities upon death through rights of survivorship.

"Coownership registration. One option is the coownership form of registration, i.e., "A or B." Unlike the current Treasury bill book-entry system being administered by the Bureau of the Public Debt, a security held in TREASURY DIRECT registered in this form will be transferable upon the written request of either coowner. Other changes in the account may also be made upon the request of either party.

While this form of registration will facilitate the receipt of payments and provide ease in conducting transactions, care should obviously be exercised in designating a coowner.

"Joint ownership. For those who would prefer to have the transferability of a security held in two names contingent upon the request of both, the joint form of registration will be appropriate. This form of registration, i.e., "A and B, with [without] the right of survivorship," will require the agreement of both parties to conduct any authorized transaction.

"Beneficiary form. The beneficiary form, i.e., "A payable on death to (POD) B," will permit the owner to have sole control of the account during his/her lifetime, but in the event of death, the account will pass by right of survivorship to the beneficiary."

One commentator questioned the "natural guardian" and "voluntary guardian" forms of registration provided in the regulations, pointing out that financial institutions are reluctant to establish an account in the name of a natural guardian of a minor because of the uncertainties as to who might be entitled to the funds on the death of the natural guardian or minor, or when the minor reached majority. It was mentioned that a bank would be reluctant to open an account in the name of a voluntary guardian, or to release funds from an existing account to a voluntary guardian because of the potential risk in the event of a claim from a court-appointed guardian. It seems apparent that the comment was prompted by the provision that appeared in the proposed rule that the account held in TREASURY DIRECT and the deposit account to which payments are to be directed should be in the same form. As hereafter pointed out in the discussion under the payment section, this is not a requirement.

While parents are universally recognized as the natural guardians of the person of minors, they have generally not been recognized as entitled to control the estates of these minors, except perhaps in the case of small amounts. Traditionally, the guardian of the estate of a minor involves judicial appointment and supervision. In order to provide a means of dealing with the problem of disposing of securities inadvertently registered in the name of minors without requiring the appointment of a legal guardian and to provide a means for investing funds of a minor, which did not technically qualify for investment under the Uniform Gifts to Minors Act, the Department decided to provide recognition for natural guardians.

The voluntary guardianship procedure is wholly a creature of the Department's regulations. It was established in recognition of the burden placed on an incompetent's estate and his/her family by requiring the appointment of a legal guardian to receive the interest on, or to redeem securities for, the account of an individual who has become incompetent, at least where the incompetent's estate is relatively modest. This form of registration is not available on original issue and is limited to an aggregate of \$20,000 (par amount) of TREASURY DIRECT securities. The \$20,000 limit in connection with the use of the voluntary guardianship procedure is in keeping with the limits used in connection with the summary administration of decedents' estates under the laws of many States.

Section 357.23 Judicial proceedings.

No comments were received regarding the provisions on judicial proceedings. Given their importance, the discussion that accompanied the publication thereof in proposed form is included here.

"Judicial proceedings. Under the principle of sovereign immunity, neither the Department nor a Federal Reserve Bank, acting as fiscal agent of the United States, will recognize a court order that attempts to restrain or enjoin the Department or a Federal Reserve Bank from making payment on a security or from disposing of a security in accordance with instructions of the owner as shown on the Department's records.

"The Department will recognize a final court order affecting ownership rights in TREASURY DIRECT securities provided that the order is consistent with the provisions of Subpart C and the terms and conditions of the security, and the appropriate evidence, as described in § 357.23(c), is supplied to the Department. For example, the Department may recognize final orders arising from divorce or dissolution of marriage, creditor or probate proceedings, or cases involving application of a State slayer's act. The Department will also recognize a transaction request submitted by a person appointed by a court and having authority under an order of a court to dispose of the security or payment with respect thereto, provided conditions similar to those above are met."

Section 357.25 Security interests.

TREASURY DIRECT is not designed to reflect or handle the various types of security interests that may arise in connection with a Treasury bond, note or bill. However, the Treasury has from

time to time and to a limited extent held in safekeeping, for such agencies as the Customs Service and Immigration and Naturalization Service, Treasury securities submitted in lieu of surety bonds in accordance with 31 U.S.C. 9303. While the Federal Reserve Banks handle the majority of such pledges and will continue to do so, as this statute requires the Treasury to accept these Government obligations so pledged, a provision has been added for accepting and holding book-entry securities submitted for such purposes.

Section 357.26 Payments.

(a) **General.** Most comments focused on the provisions on payments. A key feature of TREASURY DIRECT will be the making of payments by the direct deposit method (also known as the electronic funds transfer or ACH method). Checks will be issued only under extraordinary circumstances. A number of comments endorsed the concept of payment by direct deposit as an improvement given the difficulties associated with checks.

One comment expressed concern as to who would have the burden of resolving errors in cases where a receiving financial institution fails to properly credit a payment. The Department has concluded that while the direct deposit payment method is not without risks, it is far superior to the use of checks, in terms of the risks, potential losses, and costs. In a case where a receiving institution fails to act in accordance with the instructions given it, the Bureau intends to use its best efforts to assist investors in rectifying the error.

(b) **Direct deposit.** A number of comments expressed the view that the TREASURY DIRECT payment system should adopt either the rules governing the direct deposit of Government payments (31 CFR Part 210), or the rules of the National Automated Clearing House Association ("NACHA Rules"), but not separate rules. The final rules have adopted some of the existing practices applicable to commercial ACH payments, but it is not possible for the Department of the Treasury to conform to all of these rules. For example, the Treasury has no authority to indemnify recipients of direct deposit payments, although such indemnification by a sender is contemplated in the NACHA rules and was advocated in several comments. It should also be noted that the rules applicable to TREASURY DIRECT payments are modeled, to some extent, on the rules for Government direct deposit payments in order to take advantage of the large number of entities that are a part of the

Government direct deposit network. See the discussion under paragraph (b)(2). Where there are unique rules applicable to TREASURY DIRECT, however, they are explained here.

Given the variance between the procedures set out in the proposed rules and existing practice, and the increased burdens resulting therefrom, several clearing house associations and financial institutions requested that the implementation of TREASURY DIRECT be delayed from July 1986 to July 1987. The Treasury is satisfied that the added burdens that would have been imposed on financial institutions to receive TREASURY DIRECT payments under the proposed rules have been effectively eliminated in the final rule. Thus, Treasury plans to implement the system on or about the original target date. The final rules are being published, however, in advance of actual implementation so as to give financial institutions an opportunity to make whatever remaining, minor procedural changes as may be necessary.

(b)(1) *Information on deposit account at financial institution.* The proposed regulations provided that the owner of a security in TREASURY DIRECT, or in the case of ownership by two individuals, the first-named owner, must be an owner of, and so designated, on the account at the receiving financial institution. The regulations also provided that in any case in which a security is held jointly or with right of survivorship, the account at the financial institution should be established in a form that assures that the rights of each joint owner or survivor will be preserved.

The rule requiring the naming of the first-named owner on the receiving financial institution account was based on tax reporting considerations. It has now been determined that the first-named security owner need not be named on the receiving deposit account.

The rule relating to establishment of the receiving account in joint ownership cases in the same form as the registration of the security was intended to be a notice to investors of a potential problem, rather than a requirement. In cases where an investor intends a beneficiary, joint owner or coowner to receive securities after the investor's death, this intention may be defeated if the recipient is not also named on the receiving deposit account. It is up to the investor to examine his or her particular circumstances and determine whether the form in which the deposit account will be held is satisfactory. This matter has been clarified in paragraph (b)(1)(v) of the final rule. Except for the restriction described in paragraph

(b)(1)(ii) (see below), the Treasury does not intend to establish any limitations on how the receiving deposit account is held.

Several comments addressed the issue of the registration of the security versus the title of the deposit account. Two comments pointed out that if the deposit account must be in the same form as the registration of the security, then existing traditional forms of ownership for bank accounts, which do not include all the forms of registration for securities held in TREASURY DIRECT, would not suffice. Concerns were also expressed that with multiple forms of ownership, financial institutions could become involved in disputes with investors. As noted above, there is no requirement that the TREASURY DIRECT account and the deposit account be identical. The responsibility to choose the title of the deposit account rests with the investor.

Another comment objected to the rule that the first-named security owner be named on the receiving deposit account because the rule would eliminate the possibility of payment to an account at a financial institution in the name of a mutual fund, security dealer, or insurance company. Although the change in the tax reporting rule described above permits payment to such accounts, as well as to trust accounts, since it appears that there is a question as to the capability of some receiving institutions to handle such payments, investors are strongly urged to consult their financial institution before requesting such payment arrangements. See paragraph (b)(1)(iii).

It should be emphasized that any payments that must be made by check will be made in the form in which the TREASURY DIRECT account is held, which may be different than the form of the deposit account. Investors should be aware that this may result in checks being issued, and thus payment being made, in a form different than they intended the direct deposit payments to be made. For example, if Investor A purchases a security in his or her name alone with instructions that payments be directed to a financial institution for the account of a money market fund, any checks that must be issued will be drawn in the name of Investor A. This could happen if Investor A furnishes erroneous payment instructions and the problem cannot be resolved before a payment date, in which case a check would be issued.

The one restriction on the form of the deposit account that appears in paragraph (b)(1)(ii) of the final regulations is a rule that where the TREASURY DIRECT account is in the

name of individual(s), and the receiving deposit account is also in the name of individual(s), one of the individuals on the TREASURY DIRECT account must be named on the deposit account. This rule is intended to provide a means to determine the disposition of the payment, if necessary. The Treasury does not expect financial institutions to monitor this rule.

Provision has been made in paragraph (b)(1)(vii) to permit financial institutions to request "mass changes" of deposit account numbers without the submission of individual requests from investors to TREASURY DIRECT. This procedure is intended for use where an institution changes all or an entire group of its account numbers, typically as a result of an organizational change. TREASURY DIRECT will honor requests from a financial institution to change deposit account numbers under such circumstances, with the understanding that the institution agrees to indemnify the Treasury and the security owners for any losses resulting from errors made by the institution. If the institution does not wish to use the "mass change" procedure, then the change in account number must be requested by the investor, using the authorized transaction request form. See § 357.28.

Some institutions voiced concern in general about investor errors in furnishing the TREASURY DIRECT a deposit account number and the financial institution's routing number. Although the Treasury plans to provide as much assistance to investors as possible, the investor must bear the responsibility for securing accurate payment information. Investors are urged to consult with their receiving institution to verify the accuracy of the payment information, since neither the Treasury nor the receiving financial institution would be responsible for payment errors resulting from erroneous information provided by investors.

The proposed rule provided in § 357.26(b)(1)(iii) that the designation of a financial institution by a security owner to receive payments from TREASURY DIRECT would constitute the appointment of the financial institution as agent for the owner for the receipt of payments. The crediting of a payment to the financial institution for deposit to the owner's account, in accordance with the owner's instructions, would discharge the United States of any further responsibility for the payment. One comment noted that, in contrast, the rule in 31 CFR § 210.13 for Federal recurring payments is that the United States is not acquitted until the payment is credited to the account of

the recipient on the books of a financial institution.

Although, in principle, the same rules should apply to all Government payments, the proposed TREASURY DIRECT rule has been retained in the final regulations on the basis of the major differences in the procedures to be used in TREASURY DIRECT. Most significantly, the Treasury will not be securing any written verification (*i.e.*, an enrollment form) from a financial institution as to the accuracy of the deposit account number and other payment information, as is now the practice in the case of payments under 31 CFR Part 210. Under these circumstances, the Treasury cannot, in effect, guarantee that a payment will be credited by a financial institution to the correct account. It should also be noted that this rule on acquittance of the United States is consistent with the provision in § 357.10(c) of the proposed regulations on TRADES. In practice, however, the Treasury plans to participate actively in seeking to locate and recover any payments that have been misdirected.

(b)(2) *Agreement of financial institution.* The proposed rule provided, in Sec. 357.26(b)(2), that a financial institution which has agreed to accept payments under 31 CFR Part 210 shall be deemed to have agreed to accept payments from TREASURY DIRECT. The rule further provided that an institution could not be designated to receive TREASURY DIRECT payments unless it had agreed to accept direct deposit payments under 31 CFR Part 210.

One financial institution commented that a receiving institution that has already agreed to accept Part 210 payments should have the choice as to whether to accept payments from TREASURY DIRECT. The basis for this comment was the perception that the receipt of TREASURY DIRECT payments would require the implementation of special procedures by the financial institution and expose it to additional risks. As explained earlier, the Treasury has significantly modified the procedures and reduced the requirements imposed upon a financial institution in order to receive TREASURY DIRECT payments, and decreased as well the risks an institution will incur in the receipt of such payments. Thus, the proposed rule on eligibility of receiving institutions has been retained in the final rule in essentially the same form.

Two other comments were made to the effect that the category of institutions receiving payments should be broadened. In deciding to authorize payments to all institutions receiving

Part 210 payments, the Treasury considered the fact that many more institutions are designated endpoints for Government (direct deposit) payments than for commercial ACH payments. In order to afford investors the widest choice of recipient institutions, all institutions that had agreed to accept Part 210 payments were designated as authorized recipients. Treasury has now broadened the rule further to also authorize those financial institutions that are willing to agree to accept Part 210 payments in the future. This rule will permit investors to designate institutions that are not now receiving Government direct deposit payments as the recipients of their TREASURY DIRECT payments if the institutions make appropriate arrangements with the Federal Reserve Bank of their District.

(b)(3) *Pre-notification.* A significant feature of the TREASURY DIRECT payment procedure will be the use of a pre-notification message sent to the receiving financial institution in advance of the first payment. This procedure, already in use for commercial ACH payments, alerts the institution that a payment will be made and provides an opportunity for verification of the accuracy of the account information.

The proposed regulations provided that the financial institution would be required to reject the pre-notification message within four calendar days after the date of receipt if the information contained in the message did not agree with the records of the institution or if for any other reason the institution would not be able to credit the payment. The rules also stated that a failure to reject the message within the specified time period would be deemed an acceptance of the pre-notification and a warranty that the information in the message was accurate.

Because there was some confusion over when the pre-notification message would be sent, the final rules clarify, in paragraph (b)(3)(i), that in most cases, this will occur shortly after establishment of a TREASURY DIRECT account. The Treasury has under consideration a system change that would permit a second pre-notification to be sent closer to the time of the payment if the first payment is to occur a substantial length of time after account establishment.

One of the items of information contained in a pre-notification message is the name the investor has indicated appears on the deposit account. Comments were received that existing procedures and software do not permit automatic verification of the account name. Although there is apparently

some variation in practice, and some institutions undertake to verify the account name information manually, the Treasury has decided to drop the account name verification requirement in the final rules. This means that under paragraph (b)(3)(ii), a financial institution need only verify the account number and type designations on the pre-notification message. However, the Treasury urges institutions which are able to verify account names to do so and encourages the development of software that would have this capability.

A number of comments urged that the four-day period provided for an institution to reject a pre-notification message be lengthened. After consideration of the various alternatives proposed, the Treasury has concluded that an eight-day period will meet the needs of most institutions. See paragraph (b)(3)(ii) of the final rule. In responding to a pre-notification message, an institution may use the NACHA's "notification of change" procedure, standardized automated rejection codes, or any other similar standard procedure. Upon receipt of such notification, the Treasury will either make the necessary changes in the TREASURY DIRECT account or contact the investor, depending on the circumstances.

One commentator objected to the warranty by the receiving institution as to the accuracy of the pre-notification information, particularly in view of the manual verification or changes in procedures that would be required, and the resulting possibility of error. As previously noted, the requirement to verify an account name has been eliminated. In addition, language has been added to make it clear that the verification is limited to the time of pre-notification. The Treasury is of the view that the warranty is a useful concept in encouraging institutions to respond to pre-notification messages and will benefit all concerned by increasing the likelihood that payments will be made accurately and to the appropriate party.

(b)(5) *Responsibility of financial institution.* The proposed regulations provided, in § 357.26(b)(5)(ii), that a financial institution that receives a TREASURY DIRECT payment on behalf of a customer would be required to promptly notify the Treasury when it has made a change in the status or ownership of the customer's deposit account, such as the deletion of the first-named owner of the security from the title of the account, or when the institution is on notice of the death or

incompetency of the owner of the deposit account.

Several financial institutions objected to this requirement on the grounds that it would be burdensome and would require the development of new procedures to monitor the changes in deposit accounts. Specifically, several institutions indicated they would be unable to relate the receipt of TREASURY DIRECT payments, which would be handled in a centralized area of the institution, to the changes being made in a deposit account, which are handled in another operational area of the institution. These institutions said they would not necessarily be aware of who is the first-named owner of the security in TREASURY DIRECT, and that more responsibility should be placed on the security owner in reporting changes.

In response to these comments, the Treasury has narrowed the notification rule, in paragraph (b)(5)(ii) of the final rule, to require a financial institution to notify TREASURY DIRECT only in cases where it is on notice of the death or legal incapacity of an individual named on the deposit account, or where it is on notice of the dissolution of a corporation named in the deposit account. Upon receipt of notice by the area of the institution that receives credit payments, the institution will be required to return any TREASURY DIRECT payments received thereafter.

(b)(6) *Payments in error/duplicate payments.* The proposed regulations, in § 357.26(b)(6), set out rules describing the procedure that would be followed in cases where the Treasury or a Federal Reserve Bank has made a duplicate payment or a payment in error. First, the financial institution to which the payment was directed would be provided with a notice asking for the return of the amount of the payment remaining in the deposit account. If the financial institution were unable to return any part of the payment, it would be required to notify the Treasury or its Federal Reserve Bank, and provide the names and addresses of the persons who withdrew funds from the deposit account after the date of the duplicate payment or the payment in error. If the financial institution did not respond to the notice within 30 days, the financial institution's account at its Federal Reserve Bank could be debited in the amount of the duplicate or improper payment.

Several institutions raised objections about various aspects of the above procedures. One stated that 30 days was an insufficient time to respond and urged conformity with the rules in 31 CFR Part 210 permitting a 60-day

response time. Some objected to furnishing information about the persons who withdrew money from an account. Several objected in principle to the provision authorizing the debiting of their accounts. Several comments indicated that if a payment is returned by a financial institution using an automated payment reversal procedure, then only the full amount of the payment (not a partial amount) can be reversed.

In the final rule, the Treasury has clarified the procedures. The requirement to provide the names of persons who withdrew funds from an account has been changed. In paragraph (b)(6)(i), financial institutions are asked to provide only such information as they have about the matter. The debiting of an institution's account at a Federal Reserve Bank is intended to be simply a last resort if the institution fails totally to respond to the notice of a duplicate payment or payment made in error. See paragraph (b)(6)(iii). The time provided for response to this notice has been lengthened to 60 days.

The final rule has also been clarified in paragraph (b)(6)(i) to provide that the amount that should be returned is an amount equal to the payment. The Treasury reserves the right, however, to request the return by other than automated means of a partial amount of a payment made in error. It is anticipated that such a procedure would occur only if the notice of a payment made in error is not issued immediately after the payment was made.

(d) *Handling of payments by Federal Reserve Banks.* Some of the comments raised a question about the liability of the Federal Reserve Banks in making payments. The proposed rule, in § 357.26(d)(2), provided that each Federal Reserve Bank would be responsible only to the Department and would not be liable to any other party for any loss resulting from its handling of payments. This rule was taken from the existing regulations in 31 CFR Part 210 (see § 210.3(f)), and is simply a restatement of existing law.

In making payments, the Federal Reserve Banks are acting in the capacity as fiscal agents of the United States, pursuant to 12 U.S.C. 391. They are not acting in an individual (banking) capacity. If a Federal Reserve Bank misdirects a payment contrary to instructions provided by the investor, the United States, as principal, may remain liable to the investor for the payment. The United States could seek to recover any loss from its agent, the Federal Reserve Bank. However, because the proposed rule simply stated a legal conclusion and tended to create the impression that the rule was broader

than intended, it has been omitted from the final regulations.

Section 357.31 Certifying individuals.

For clarity, the warranties which accompany the use of a "Signature guaranteed" stamp have been set out.

Section 357.42 Preservation of existing rights.

This section has been deleted. The same subject-matter will be covered in § 357.1, as finally adopted.

Section 357.43 Liability of Department and Federal Reserve Banks.

This section was published as § 357.42 in the notice of proposed rulemaking for TRADES. The final version will be published after all the comments on the rulemaking for TRADES have been reviewed and considered.

Section 357.46 Supplements, amendments, or revisions.

Provision for "charges and fees for services and maintenance of book-entry Treasury securities" has been added in the event circumstances should dictate their imposition.

Procedural Requirements

This rule is not considered a "major rule" for purposes of Executive Order 12291. A regulatory impact analysis, therefore, is not required.

Although this rule was issued in proposed form to secure the benefit of public comment, the notice and public procedures of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2). As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

The collection of information requirements in these regulations were submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*). The Office of Management and Budget approved those requirements under control No. 1535-0068.

List of Subjects in 31 CFR Part 357

Electronic funds transfer, Federal Reserve System, Government securities.

Dated: May 9, 1986.

Gerald Murphy,

Fiscal Assistant Secretary.

Part 357 is added to Subchapter B of Title 31, Code of Federal Regulations, Chapter II, and issued as Department of the Treasury Circular, Public Debt Series No. 2-86, to read as follows. The "Discussion of Final Rule" portion of the

Supplementary Information section of this document is designated as Appendix A to Part 357 and is added to Part 357.

PART 357—REGULATIONS GOVERNING BOOK-ENTRY TREASURY BONDS, NOTES AND BILLS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 2-86)

Subpart A—General Information

Sec.
357.0-357.2 [Reserved]
357.3 Definitions.

Subpart B—Treasury/Reserve Automated Debt Entry System (TRADES)—[Reserved]

Subpart C—TREASURY DIRECT BOOK-ENTRY Securities System (TREASURY DIRECT)

357.20 Securities account in TREASURY DIRECT.
357.21 Registration.
357.22 Transfers.
357.23 Judicial proceedings—sovereign immunity.
357.24 Availability and disclosure of TREASURY DIRECT records.
357.25 Security interests.
357.26 Payments.
357.27 Reinvestment.
357.28 Transaction requests.
357.29 Time required for processing transaction request.
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357.31 Certifying individuals.
357.32 Submission of transaction requests; further information.

Subpart D—Additional Provisions

357.40 Additional requirements.
357.41 Waiver of regulations.
357.42 Liability of Department and Federal Reserve Banks. [Reserved]
357.43 Liability for transfers to and from TREASURY DIRECT.
357.44 Notice of attachment for securities in TRADES.—[Reserved]
357.45 Supplements, amendments, or revisions.

Appendix A—Discussion of Final Rule.

Authority: 31 U.S.C. Chapter 31; 12 U.S.C. 391.

Subpart A—General Information

§§ 357.0-357.2 [Reserved]

§ 357.3 Definitions.

In this Part, unless the context indicates otherwise:

"Bill" means an obligation of the United States, with a term of not more than one year, issued at a discount, under Chapter 31 of Title 31 of the United States Code, in book-entry form.

"Bond" means an obligation of the United States, with a term of more than ten years, issued under Chapter 31 of

Title 31 of the United States Code, in book-entry form.

"Department" means the United States Department of the Treasury, and, where appropriate, the Federal Reserve Banks acting as fiscal agents of the United States.

"Depository institution" means an entity described in section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)). Under section 19(b) of the Federal Reserve Act, the term "depository institution" includes:

(a) Any insured bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(b) Any mutual savings bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(c) Any savings bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(d) Any insured credit union as defined in 12 U.S.C. 1752 or any credit union which is eligible to make application to become an insured institution under 12 U.S.C. 1781;

(e) Any member as defined in 12 U.S.C. 1422;

(f) Any insured institution as defined in 12 U.S.C. 1724 or any credit union which is eligible to make application to become an insured credit union under 12 U.S.C. 1726; and

(g) For the purpose of 12 U.S.C. 248(o), 342 to 347, 347c, and 372, any association or entity which is wholly owned by or which consists only of institutions referred to in paragraphs (a) through (d) of this definition.

"Federal Reserve Bank" or "Reserve Bank" means a Federal Reserve Bank or Branch.

"Financial institution" means, for purposes of direct deposit, an institution which has agreed to receive credit payments under 31 CFR Part 210, as amended from time to time, and has not withdrawn its participation in a direct deposit program under Part 210, or an institution which is willing to agree to receive credit payments under 31 CFR Part 210 and has enrolled with its Federal Reserve Bank.

"Incompetent" means an individual who is legally, medically or mentally incapable of handling his or her business affairs, except that a minor is not an incompetent solely because of age.

"Maturity value" is the amount that the Department is obligated to pay when a security matures.

"Minor" means an individual who is under the age of majority, as determined by applicable state law.

"Note" means an obligation of the United States, with a term of at least one year, but of not more than ten years, issued under Chapter 31 of Title 31 of the United States Code, in book-entry form.

"Original issue" means the offering by the Department of the Treasury of a marketable Treasury security to the public and its issuance in book-entry accounts maintained either directly by the Treasury or held through a Federal Reserve Bank.

"Owner," as used in Subpart C, means the individual(s) or entity in whose name a security is registered. If a security is registered in more than one name, the term "owner" includes all those whose names appear on the registration and are authorized by this Part to make a transaction request on a security held in TREASURY DIRECT.

"Redemption" means payment of a security at maturity, or pursuant to a call for redemption in accordance with the terms of a security.

"Representative" includes an executor, administrator, legal guardian, committee, conservator, and any similar person or entity appointed by a court to represent the estate of a decedent, minor, or incompetent, as well as a trustee, whether appointed by a court or otherwise.

"Security" means a bond, note, or bill, each as defined in this section, and any other obligation issued by the Department that, by the terms of the applicable offering circular, are made subject to this Part. Solely for purposes of this Part, it also means the interest and principal components of a security eligible for Separate Trading of Registered Interest and Principal of Securities ("STRIPS"), if such security has been divided into such components by the express terms of the offering circular under which the security was issued and the components are maintained separately on the books of a Federal Reserve Bank.

"Security interest" and "pledge" mean an interest in a security, which interest is acquired by a secured party to secure payment or performance of an obligation and is created by a security agreement between the person having such obligation and the secured party.

"Taxpayer identifying number" or "TIN" means a social security account number or an employer identification number, as appropriate.

"TRADES" is the Treasury/Reserve Automated Debt Entry System.

"Transaction request" means a request to effect a change in an account master record or securities portfolio maintained in TREASURY DIRECT.

"Transaction request form" means a form or series of forms prescribed for use by the Department to request a transaction in TREASURY DIRECT. (This term includes a document that the Department has determined contains all of the elements required by the transaction request form.)

"TREASURY DIRECT" is the TREASURY DIRECT Book-Entry Securities System.

Subpart B—Treasury/Reserve Automated Debt Entry System (TRADES)—[Reserved]

Subpart C—TREASURY DIRECT Book-Entry Securities System (TREASURY DIRECT)

§ 357.20 Securities account in TREASURY DIRECT.

(a) *Account.* A securities account consists of:

- (1) An account master record, and
- (2) A securities portfolio.

(b) *Security.* A security in TREASURY DIRECT is evidenced by the account master record and a description of the security as set out in the securities portfolio associated with an account master record.

(c) *Account master record.* An owner must establish an account master record before the owner may deposit a security in TREASURY DIRECT. If the security is being purchased on original issue, the request that an account master record be established may be made on the form used for purchase of the security. If the security is being acquired other than on original issue, the request that an account master record be established should be made on the appropriate form that is provided by the Department. The account master record includes, but is not limited to, the following data:

- (1) The exact form of registration in which the securities are held;
- (2) The TREASURY DIRECT account number;
- (3) The correspondence address for the account;
- (4) The TIN of the owner, or in the case of ownership by two individuals, of the first-named owner; and
- (5) Payment instructions. (See § 357.26.)

(d) *Securities portfolio.* The securities portfolio contains a description of each security and is the aggregate of all securities in the securities account.

(e) *Statement of account.* The Department shall send a statement of account ("statement") upon:

- (1) Establishment of, or a change in, an account master record or the securities portfolio;
- (2) Change in payment instructions; or
- (3) An owner's request.

The statement shall contain information regarding the account as of the date of such statement. The price associated with each security in the securities portfolio will also appear on the statement.¹ The statement will normally be sent to the correspondence address designated in the account master record. When the statement is issued as a result of a change in ownership of a security, statements will be sent, where appropriate, to both the former and current owners. Other information regarding the account may be obtained in accordance with § 357.24 (Approved by the Office of Management and Budget under control number 1535-0068)

§ 357.21 Registration.

(a) *General.*—(1) Registration of a security conclusively establishes ownership, except in the case of partnership nominees, in which case the Department reserves the right to treat the registration as conclusive of

¹ IRS regulations require reporting of income information on a security.

(1) If the security is a bill, the price information will be used to comply with this requirement. The earnings reported to IRS for the year of a bill's maturity will be the difference between the par value of the bill and its price.

(a) If a bill is deposited in TREASURY DIRECT at original issue, the price shown will be the issue price.

(b) If a bill is transferred to TREASURY DIRECT from TRADES, the price shown will be that included in the transfer wire or supplied subsequently by the bill owner. If a price is not furnished, the price shown will be the weighted average price of the bill of the longest maturity having the identical CUSIP number.

(c) If a bill is transferred from one TREASURY DIRECT account to another, the price shown in the receiving (transferee's) account will be that shown on the transfer instructions or supplied subsequently by the transferee. If a price is not furnished, the price shown will be the weighted average price at original issue of the bill of the longest maturity having the identical CUSIP number, unless the term of the bill can be determined from the account record in which case the price shown will be the weighted average price at original issue of the bill with that term.

(2) If the security is a note or bond, the earnings reported to IRS for a year will be the periodic interest payments made during that year. If a note or bond is transferred to a TREASURY DIRECT account between interest payment dates, the earnings reported to IRS for the transferee will show the interest for the entire interest payment period. The price for notes and bonds will be shown on the statement of account for the account owner's information. The price shown will be determined following the procedures described above for bills.

(3) The security owner should report directly to the IRS (a) adjustments to annual earnings amounts arising from acquisition of notes and bonds between interest payment periods and (b) price corrections for bills reported after preparation of the reports to the IRS.

ownership. The registration may not, except as provided in this Subpart, include any restriction on the authority of an owner to change the data in the account master record, transfer the security, or effect any other change in the securities portfolio.

(2) The registration of all securities held by an owner should be uniform with respect to the owner's name. An owner must be identified by the name by which the owner is ordinarily known, preferably including at least one full given name. A suffix, such as "Sr." or "Jr.", must be included when ordinarily used, or when necessary to distinguish members of the same family.

(3) If an additional security is deposited in an existing account, the security will be registered in the same name and form of registration that appears in the designated account master record. One who holds a security as "John Allen Doe" should use that name when depositing another security rather than "J. Allen Doe", or "John A. Doe". Minor variations in names used in acquiring a security to be deposited in an established account may be resolved by the Department.

(b) *Natural persons.* A security may be registered in the names of one or two individuals, but only in one of the following forms:

(1) *Single ownership.* In the name of one individual.

Example: Robert W. Woods

An individual who is sole proprietor of a business conducted under a trade name may include a reference to the trade name.

Example: John A. Doe, doing business as Doe's Home Appliance Store.

(2) *Ownership by two individuals.*

(i) *"And" form—Joint Ownership—(A) Without right of survivorship.* In the names of two individuals, joined by the word "and", and followed by the words "without right of survivorship". A security so registered shall conclusively confer on each owner an undivided interest in the security.

Example: Elizabeth Black and Jane Brown, without right of survivorship.

Any request for registration which purports, by its terms, to preclude the right of survivorship, or which requests registration in the names of two persons without indicating whether survivorship rights attach (other than a registration under paragraph (b)(2)(ii) of this section), will be presumed to be a request for registration without right of survivorship. If a security is registered in this form, a transaction request, other than a request by one owner to transfer

the security to the other owner, and other than a request for reinvestment, must be executed by both owners.

(B) *With right of survivorship.* In the names of two individuals, joined by the word "and", and followed by the words "with right of survivorship". A security so registered shall confer on each owner an undivided interest in the security and shall create a conclusive right of survivorship.

Example: Mark A. Doe and Mary B. Doe, with right of survivorship.

If a security is registered in this form, a transaction request, other than a request by one owner to transfer the security to the other owner, and other than a request for reinvestment, must be executed by both owners.

(ii) *"Or" form—"Coownership."* In the names of two individuals, joined by the word "or". A security so registered shall confer on each owner an undivided interest in the security and shall create a conclusive right of survivorship.

Example: Robert Woods or Laura Woods.

If a security is registered in this form, either coowner may make a transaction request, but if the Department receives conflicting requests at or about the same time, it may refuse to process them.

(iii) *Beneficiary.* In the name of one individual followed by the words "Payable on death to" (or "P.O.D.") another individual.

Example: Jack S. Jones, payable on death to Marie Jones.

If a minor or an incompetent is named as a beneficiary, the status of the beneficiary must be identified in the registration. A minor or an incompetent may not be designated as an owner. See paragraphs (b)(3) and (b)(4) of this section.

Example: John Perry, P.O.D. John Perry, Jr., a minor.

Registration in this form shall create ownership rights in the beneficiary only if the beneficiary survives the owner. During an owner's lifetime, a transaction request may be executed by the owner without the consent of the beneficiary. If the beneficiary dies before the owner, the security will be deemed to be registered in the owner's name alone.

(3) *Minors—(i) General.* A security may not be registered in the name of a minor in his or her own right as an owner. If a security is so registered and the Department thereafter receives evidence or information of that fact, the Department may suspend processing of any transaction request with respect to the security until either a legal guardian has been appointed or a natural guardian, as provided in paragraph

(b)(3)(ii) of this section, has been recognized. Where a legal guardian is appointed, the Department will require a certified copy of the court order making such appointment. See § 357.28(c).

(ii) *Natural guardians of minors.* A security may be registered in the name of a natural guardian of a minor for whose estate no legal representative has been appointed. The parent with whom the minor resides will be recognized as the natural guardian. If the minor resides with both parents, either or both may be recognized as natural guardian(s). If the minor does not reside with either parent, the Department may recognize the person who furnishes the minor's chief support as the natural guardian.

Examples: Michael Jones, as natural guardian of Alice Jones, a minor.

Michael Jones and Evelyn Jones, as natural guardians of Alice Jones, a minor. The security may also be registered in one of the forms authorized under paragraph (b)(2) of this section.

Examples: James Green, as natural guardian of William Green, a minor, and Anne Green, without right of survivorship.

James Green, as natural guardian of William Green, a minor, POD Lynne Green.

(iii) *Custodian under statute authorizing gifts to minors.* A security may be registered as provided under an applicable gift to minors statute.

Example: Virginia McDonald, as custodian for Lynne Gorman, under the New York Uniform Gifts to Minors Act.

Any request to alter the rights of ownership of the security must be made as provided in the applicable statute.

(4) *Incompetents—(i) General.* A security may not be registered in the name of an individual in his or her own right as an owner if that individual is incompetent. If a security is so registered, or if the owner subsequently becomes incompetent after the security is purchased, and the Department receives evidence or information of that fact, the Department may suspend any transaction with respect to the security until a legal guardian, conservator, or other representative of the incompetent's estate has been appointed, or a voluntary guardian, as provided in paragraph (b)(3)(ii) of this section, has been recognized. Where a legal guardian, conservator, or other representative is appointed, the Department will require a certified copy of the court order making such appointment. See § 357.28(c).

(ii) *Voluntary guardian of incompetent.* If a legal guardian has not been appointed, and the face amount of the securities held in one or more

accounts in TREASURY DIRECT by an owner who had become incompetent does not exceed, in the aggregate, \$20,000 (par amount), upon submission to, and approval by, the Department of an appropriate form, a relative or other person responsible for an incompetent's care and support will be recognized as voluntary guardian for purpose of making a transaction request under § 357.28(b)(4). All persons known by the Department to have an interest in the incompetent's estate, as required by the application form, must agree to the designation of the voluntary guardian. The security may be re-registered in the name of the voluntary guardian.

Example: Richard Melrose, as voluntary guardian for James W. Brundige.

(c) *Representatives.* A security may be registered in the name of a representative of an estate. If there is more than one representative, the names of some representatives may be omitted if followed by language that indicates the existence of other representatives. In such cases, those named in the registration shall be conclusively presumed by the Department to have authority to make a transaction request on behalf of all the representatives. The form of registration must identify the specific capacity of the representative(s) and the estate represented.

Examples: ABC National Bank of Chicago, Illinois and Harold Smith, co-executors of the will (or administrators of the estate) of Charles Johnson, deceased.

William Brown, guardian of the estate of Henry Jones, a minor.

Robert Smith, Richard Smith, et al., executors of the will of Lorraine Smith, deceased.

If the representative is a trustee, the form of registration must identify specifically the authority or document creating the trust.

Examples: Sarah Jones and XYZ Trust Co., trustees under the will of Matthew Smith, deceased.

Cynthia Doe and Margaret Jones, trustees under agreement with Martha Roe, dated April 13, 1979.

Cynthia Doe, trustee under declaration of trust, dated April 13, 1979.

Richard Smith, James Jones, and Frank Brown, trustees under the will of Henry K. Jones, deceased.

ABC Corporation, Myrna Banker, et al., trustees of Profit-Sharing Plan of Ace Manufacturing Co., under B/D resolution, dated May 18, 1975.

If there are several trustees designated as a board or authorized to act as a unit, their names should be omitted and the words, "Board of Trustees" substituted.

Example: Board of Trustees of Super Co. Retirement Fund, under collective bargaining agreement, dated March 18, 1969.

(d) *Private organizations* (corporations, unincorporated associations and partnerships). A security may be registered in the name of a private corporation, unincorporated association, or partnership. The full legal name of the organization, as set forth in its charter, articles of incorporation, constitution, partnership agreement, or other documents from which its powers are derived, must be included in the registration. The name may be followed by a reference to a particular account or fund, other than a trust fund, such as an escrow account.

(1) *A corporation.* The legal name of a business, fraternal, religious, or other private corporation must be followed by descriptive words indicating the corporate status unless the term "corporation" or the abbreviation "Inc." is part of the name or the name is that of a corporation or association organized under Federal law, such as a national bank or Federal savings and loan association.

Examples: Brown Manufacturing Co., a corporation (Education Fund).

The Apex Manufacturing Corporation.
XYZ National Bank of El Paso, Texas.

Goodworks, Unlimited, a not-for-profit corporation.

(2) *An unincorporated association.* Unless the name of a lodge, club, labor union, veterans or religious organization, or similar organization which is not incorporated (whether or not it is chartered by or affiliated with a parent organization which is incorporated) includes the words "an unincorporated association", the registration must include descriptive words indicating the organization's unincorporated status. A security may not be registered in the name of an unincorporated association if the legal title to its property or the legal title to the funds with which the security is to be purchased is held by trustees. In such a case, the security should be registered in the name of the trustees in accordance with paragraph (c) of this section. The term "unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name.

Examples: Local Union No. 13, Brotherhood of Operating Engineers, an unincorporated association.

The Simpson Society, an unincorporated association.

(3) *Partnership.* Unless the name of a partnership includes the word "partnership," the registration must

include descriptive words indicating partnership status.

Examples: Red & Blue, a partnership.

Abco and Co., a nominee partnership.

(e) *Governmental entities and officers.* A security may be registered in the name of a State, county, city, town, village, school district, or other governmental entity, body, or corporation established by law. If a governmental officer is authorized to act as a trustee or custodian, a security may be registered in the title, or name and title, of the governmental officer. The form of registration should reflect the capacity in which the governmental entity or officer is authorized to hold property (e.g., it may be authorized to hold property in its own name or as trustee or custodian).

Examples: Laura Woods, Treasurer, City of Twin Falls, Mo.

State of Michigan.

Village of Gaithersburg, Md.

Pennsylvania State Highway Administration (Highway Road Repair Fund).

Insurance Commissioner of Florida, trustee for benefit of policy holders of Sunshine Insurance Co. under F.S.A. Sec. 629.104.

Commonwealth of Virginia, in trust for Virginia Surplus Property Agency.

Gleason County Cemetery Commission, trustee under Md. Code Ann. Sec. 310.29.

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§ 357.22 Transfers.

(a) *General.* A security may be transferred only as authorized by this Part. A security may be transferred from an account in TREASURY DIRECT to an account in TRADES. A security may be transferred between accounts in TREASURY DIRECT, or from an account in TRADES to an account in TREASURY DIRECT, provided that prior to, or coincidental with, the transfer, an account master record has been established in accordance with the requirements of § 357.20(c).

(1) *Identification of securities to be transferred.* The owner must identify the securities to be transferred within TREASURY DIRECT, or from TREASURY DIRECT to TRADES, in the manner required by the transaction request form. If such identification is not provided, the request will not be processed and will be returned.

(2) *Denominational amounts.* A security may be transferred from an account only in a denominational amount authorized by the offering under which the security was issued. Any security remaining in the securities portfolio after the transfer must also be in an authorized denominational amount.

(3) *When transfer effective.* A transfer of a security within TREASURY DIRECT, or from TRADES to TREASURY DIRECT, is effective when an appropriate entry is made in the name of the transferee on the TREASURY DIRECT records. A transfer from TREASURY DIRECT to TRADES is effective as provided in Subpart B. If a transfer of a security from a transferor in TREASURY DIRECT to a transferee in TRADES cannot be completed, and the security is sent back to TREASURY DIRECT, the Department will redeposit the security in the transferor's account and treat the transferor as the owner.

(b) *Transfer upon death of an owner—*
(1) *Right of survivorship.* If a security is registered in beneficiary form or a form which provides for a right of survivorship, upon the death of an owner, the beneficiary or survivor shall be the sole and absolute owner, notwithstanding any purported testamentary disposition by the decedent and notwithstanding any State or other law to the contrary. The Department will honor a transaction request by a beneficiary or a survivor (in the case of a security registered in the form described in § 357.21(b)(2)(i)(B)) only upon proof of death of an owner.

(2) *Succession under law of domicile.* If a security is registered in a form that does not provide for a right of survivorship, succession shall be determined in accordance with the applicable law and the terms of the domicile at the time of death.

(c) *Representative succession.* If a security is registered in the name of a representative who has died, resigned, or been removed, succession shall be determined in accordance with applicable law and the terms of the document under which the representative was acting.

(d) *Organizational succession—*(1) *Corporation and unincorporated association.* If a security is registered in the name of a corporation or an unincorporated association that has been dissolved, merged or consolidated into another organization, succession shall be determined in accordance with applicable law and the terms of the documents by which the dissolution, merger, or consolidation was effected.

(2) *Partnership.* If a partnership is dissolved or terminated, succession shall be determined in accordance with applicable law and the terms of the partnership agreement.

(e) *Succession of governmental officer.* If a security is registered in the name and title of a governmental officer who has died, resigned, or has been

removed, succession shall be determined in accordance with applicable law.

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§ 357.23 Judicial proceedings—sovereign immunity.

(a) *Department and Federal Reserve Banks not proper parties.* The Department and the Federal Reserve Banks are not proper defendants in a judicial proceeding involving competing claims to a security held in TREASURY DIRECT nor are they subject to any injunction or restraining order issued with respect to a security. The Department will not recognize a notice of a pending or contemplated judicial or administrative proceeding affecting a security in TREASURY DIRECT.

(b) *Orders—(1) Ownership rights.* The Department will recognize a final order entered by a court that affects ownership rights in a security in TREASURY DIRECT if:

(i) The order is consistent with the provisions of this Subpart and the terms and conditions of the security; and

(ii) The Department has received evidence of the order, as provided in paragraph (c) of this section.

(2) *Transaction request.* The Department will honor a transaction request submitted by a person appointed by a court and having authority under an order of a court to dispose of the security or payment with respect thereto if:

(i) The ordered disposition of the security or payments with respect thereto is consistent with the provisions of this Subpart and the terms and conditions of the security; and

(ii) The Department has received evidence of the appointment and order, as provided in paragraph (c) of this section.

(c) *Evidence required.* Before the Department will recognize an order or determination entered by a court, the Department must have received a certified copy of the judgment, decree, or order and any additional documents deemed necessary by the Department. A certificate from the clerk of the court, bearing the seal of the court, must also be submitted stating that the judgment, decree, or order is still in full force and has not been stayed or appealed, and that the time for filing an appeal has passed. Before the Department will honor a transaction request submitted by a person appointed by a court, the Department must receive a certified copy of the order making the appointment and describing specifically the person's authority, and any

additional documents deemed necessary by the Department.

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§ 357.24 Availability and disclosure of TREASURY DIRECT records.

(a) *General.* All records with respect to a TREASURY DIRECT account are held confidential. Consistent with the Privacy Act (5 U.S.C. 552a), information relating to those accounts will be released only to the owner except:

(1) As provided in these regulations;

(2) As provided in Treasury regulations contained in 31 CFR Part 323; or

(3) As otherwise provided by law.

(b) *Inquiries by owners.* Information requested will be disclosed to an owner provided that:

(1) Sufficient information is provided to identify the owner; and

(2) Sufficient information is provided to identify the TREASURY DIRECT account.

(c) *Conditions for release.* A request for information will be honored only if, in the sole judgment of the Department or the Federal Reserve Bank to which the inquiry is made, the identify and right of the requester to the information have been established.

§ 357.25 Security interests.

(a) *General.* The Department will not recognize any notice or claim of a lien, encumbrance, or security interest of any kind, including a pledge, in a security in TREASURY DIRECT except as provided in § 357.23 and in paragraph (b) of this section.

(b) *Security for the performance of duty or obligation under Federal law.* The Department will accept and hold pursuant to the provisions of 31 U.S.C. § 9303, book-entry bonds, notes or bills submitted in lieu of a surety bond as security for the performance of a duty or obligation required by Federal law in accordance with said section.

§ 357.26 Payments.

(a) *General.* A payment by the Department with respect to a security shall be by direct deposit (electronic funds transfer), except when the Department determines that extraordinary circumstances exist that require payment by check.

(b) *Direct deposit.*

(1) *Information on deposit account at financial institution.*

(i) To establish an account in TREASURY DIRECT, the owner must furnish the name and ABA routing/transit number of the financial institution ("institution") to which payments with respect to a security are to be made, as well as a depositor name

reference, deposit account number, and type or classification of account at the institution to which such payments are to be credited. The information should be furnished on the tender form if the account is being established on original issue, or in other cases on an appropriate form provided by the Department. To assure the accuracy of the account number and account type, as well as the name and ABA routing/transit number of the institution to which payments are to be made, the owner should consult with the institution in advance of the submission of the tender or transaction form. If the investor finds that the institution to be designated to receive TREASURY DIRECT payments has not agreed to receive direct deposit payments under 31 CFR Part 210, but is willing to do so, the investor should ask the institution to contact the Federal Reserve Bank of its district for enrollment advice.

(ii) Where the TREASURY DIRECT securities account is in the name of individual(s) in their own right, and the deposit account at the financial institution is in the name of individual(s) in their own right, the two accounts must contain at least one name that is common to both.

(iii) Where the deposit account to which payments are to be directed is held in the name of the financial institution itself acting as sole trustee, or as co-trustee, or is in the name of a commercially-managed investment fund, particular inquiry should first be made of the financial institution to make certain that the direct deposit payments can be received, and alternate arrangements made if it cannot do so.

(iv) In any case where, after the establishment of the securities account, it is determined that direct deposit payments cannot be accepted by the financial institution designated, under these circumstances, and pending new direct deposit instructions, payments will be made by check drawn in the name of the owner and sent to the correspondence address of record.

(v) All payments relating to a single account master record must be made to the same designated account at a financial institution.

(vi) The deposit account to which payments are directed should preferably be established in a form identical to the registration of the securities account, particularly where the securities are registered jointly or with right of survivorship, to assure that the rights of ownership and of survivorship can be more easily identified and preserved. Neither the United States nor any Federal Reserve Bank shall be liable for

any loss sustained because the interests of the holder(s) of a deposit account to which payments are made are not the same as the interests of the owner(s) of the security.

(vii) The designation of a financial institution by an owner to receive payments with respect to a security constitutes the appointment of that institution as the owner's agent for receipt of such payments. The crediting of a payment to the institution for deposit to an account in accordance with the instructions of the owner discharges the United States of any further responsibility for such payment. Where the institution has arranged with a Federal Reserve Bank to have payments credited through a designee institution, the crediting of a payment to that designee institution discharges the United States of any further responsibility for the amount of such payment.

(viii) Upon the request of a financial institution receiving direct deposit payments with respect to a security, the Department will change a deposit account number and/or type or classification of such account without requiring the submission of a transaction request from the owner of the security. The request must be made in accordance with implementing instructions issued by the Department. Such a request by a financial institution, however, will be deemed an agreement by the institution to indemnify the Department and the owner for any loss resulting from the requested change.

(2) *Agreement of financial institution.* Any financial institution which has agreed to accept credit payments under 31 CFR Part 210, or hereafter agrees to do so, shall be deemed to agree to accept payments under this Subpart. In any case, a financial institution's acceptance and handling of a payment made with respect to a security covered by this Subpart shall constitute its agreement to the provisions of this Subpart. An institution may not be designated to receive payments, as provided in this Subpart, unless it has agreed, or hereafter agrees, to receive direct deposit payments under 31 CFR Part 210.

(3) *Pre-notification—(i) General.* The institution designated for payment will receive shortly after a securities account has been established, but not less than fifteen (15) days prior to the first payment, a pre-notification message advising that an account maintained by such institution has been designated for direct deposit payment(s). A pre-notification message will also be sent whenever there is a change in the payment instructions. The pre-

notification message shall contain the information prescribed in paragraph (b)(1)(i) of this section.

(ii) *Response to pre-notification.* The institution must respond to the pre-notification message within eight (8) calendar days after the date of receipt if the information as to the deposit account number and/or the type of account contained in the message does not agree with the records of the institution, or if the institution for any other reason has questions about the forthcoming payment, including its ability to credit the payment in accordance with this Subpart. Upon receipt of a response to the pre-notification message, the Department, as appropriate, will correct the payment instructions and send another pre-notification message, or contact the owner for further instructions. Where the circumstances indicate that there is insufficient time to effect the change, payment will be made by check. See paragraph (c) of this section.

(iii) *Effect of failure to reject.* If an institution does not reject or otherwise respond to a pre-notification message within the specified time period, the institution shall be deemed to have accepted the pre-notification and to have warranted to the Department that the information as to the deposit account number and/or the type of account contained in the message is accurate as of the time of such pre-notification.

(4) *Continuation of payment instructions.* Payment instructions for an account master record will apply to any and all securities held in that account until the Department:

(i) Receives a request from the owner to change such instructions; or

(ii) Receive a request from a financial institution to change such instructions in accordance with paragraph (b)(1)(vii) of this section; or

(iii) Receive advice from the financial institution holding the deposit account to which payment is being made that it has been closed; or

(iv) Receives notice of a change in status of a designated account or of the owner, as provided in paragraph (f) of this section.

(5) *Responsibility of financial institution.* An institution which receives a payment on behalf of its customer must:

(i) Upon receipt, credit the designated account and make the payment available for withdrawal or other use on the payment date. If a scheduled payment date is not a business day for the Federal Reserve Bank of the district in which the institution is located, payment will be made on the next-

succeeding business day. If the institution is unable to credit the designated account, it shall return the payment by no later than the next business day after the date of receipt, with an electronic message or other response, explaining the reason for the return.

(ii) Promptly notify the Department when the designated account has been closed, or when it is on notice of the death or legal incapacity (as determined under applicable state law) of any individual named on such account, or when it is on notice of the dissolution of a corporation in whose name the deposit account is held. In all such cases, the institution, following receipt of notice by its organizational component responsible for direct deposit transactions, shall return to TREASURY DIRECT all payments received for the designated account.

(6) *Payments in error/duplicate payments.* If the Department or a Federal Reserve Bank has made a payment in error, the Department or Federal Reserve Bank will make a corrected payment, as appropriate, to the person(s) or entity entitled thereto under this Subpart. It will then promptly initiate action to recover the payment in error, and do so likewise on any duplicate payment that occurs, as follows:

(i) Send a written or electronic notice to the financial institution to which the payment was directed, which notice shall include the deposit account name, reference, number, and the date and amount of the error in payment or duplicate payment that was not returned. See paragraphs (b)(3)(ii) and (b)(5)(ii) of this section. Upon receipt of this notice, the financial institution shall immediately return to the appropriate Federal Reserve Bank an amount equal to the payment in error or duplicate payment, where available. If the institution is unable to return payment for whatever reason, the institution shall immediately notify the Department or the Federal Reserve Bank, and provide such information as it has about the matter. The Department reserves the right to request the return of a partial amount of a payment in error or a duplicate payment.

(ii) Where the payment in error or a duplicate payment has not been returned, the Department or Federal Reserve Bank shall undertake such other actions as may be appropriate under the circumstances. To the extent permitted by law, the collection action may include deducting the amount owing from future payments made to the

deposit account to which the payment in error or duplicate payment was made.

(iii) If a financial institution has failed to respond in any way to the notice made pursuant to paragraph (b)(6)(i) of this section within sixty (60) calendar days of that notice, it will be deemed, by virtue of its acceptance of the direct deposit payment hereunder, to have authorized the Federal Reserve Bank to debit the amount of the payment in error or duplicate payment from the account maintained or utilized by the financial institution at the Federal Reserve Bank to which the payment in error or duplicate payment was credited. An institution designated by a financial institution to receive payment on its behalf, in authorizing such financial institution to utilize its account on the books of the Federal Reserve Bank, shall similarly be deemed to authorize such debit from that account. The institution to which payment has been directed and the owner of the TREASURY DIRECT account who designated the deposit account to which the payment has been deposited, shall be deemed to have agreed to provide information and assistance to effect recovery of a payment in error or duplicate payment under this subsection. The owner is further deemed to agree to any action permitted by law to effect collection of a payment in error or a duplicate payment.

(c) *Checks.* If a payment is not made by direct deposit, it shall be made by a check, drawn by a Federal Reserve Bank as fiscal agent of the United States, on the Federal Reserve Bank in its banking capacity ("fiscal agency check"), or drawn by the Department on itself ("Treasury check"). A fiscal agency check is governed by the regulations in 31 CFR Part 355. A Treasury check is governed by the regulations and statutes applicable to checks drawn on the United States or designated depositories of the United States (i.e., 31 CFR Parts 235, 240, and 245). A check issued with respect to a security shall be made payable in the names of the owner(s) of the TREASURY DIRECT account and will be mailed to the correspondence address shown in the TREASURY DIRECT account.

(d) *Handling of payments by Federal Reserve Banks.* Each Federal Reserve Bank, as fiscal agent of the United States, shall receive payment in accordance with the information described in paragraph (b)(1)(i) of this section, and make payment to the designated institution by crediting it to the account of the designated institution, or of its designee, in accordance with

the Federal Reserve Bank's operating circular governing such payments.

(e) *Timeliness of action.* If, because of circumstances beyond its control, the Department, a Federal Reserve Bank, or a financial institution is delayed beyond applicable time limits in taking any action with respect to a payment, the time for taking such action shall be extended as necessary until the cause of the delay ceases to operate.

(f) *Suspension of payments.* Upon receipt of notice that a designated deposit account has been closed, that an individual named on such account is dead or has been declared legally incompetent, or where a corporation is the owner, and it has been dissolved, the Department reserves the right to suspend payments and any transactions with respect to a security pending receipt of satisfactory evidence of entitlement. Payments will also be suspended in any case where the Department receives notice that an individual owner named on a securities account in TREASURY DIRECT is dead or has been declared legally incompetent, or in any case where the Department receives notice of a change in the name or status of an organization or representative named on a securities account in TREASURY DIRECT.

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§ 357.27 Reinvestment.

(a) *General.* Upon the request of an owner, the redemption proceeds of a security may be reinvested at maturity in a new security in the same form of registration, provided a new security is then being offered by the Department and provision for reinvestment is made in the offering. The new security must be in an authorized denominational amount and will be issued in accordance with the terms of the offering. If the new security is issued at a premium or with accrued interest, an additional payment will be required from the investor. If the new security is issued at a discount, the difference will be remitted to the owner.

(b) *Treasury bills.* A request by an owner for a single or successive reinvestment of a Treasury bill must be made in accordance with the terms prescribed on the tender form submitted at the time of purchase of the original bill, or by a subsequent transaction request received not less than twenty (20) calendar days prior to the maturity of the original bill. A request to revoke a direction to reinvest the proceeds of a bill must be received by the Department not less than twenty (20) calendar days prior to the maturity date of the bill. If either a request for reinvestment or

revocation of a reinvestment request is received less than twenty (20) calendar days prior to maturity of the original bill, the Department may in its discretion act on such request if sufficient time remains for processing.

(c) *Issue date not coincidental with maturity date.* If the date on which a security matures or is called does not coincide with the issue date of the security being purchased through reinvestment, the Department may, at its option, hold the redemption proceeds in the same form of registration as the maturing or called security, but no interest shall accrue or be paid on such funds.

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§ 357.28 Transaction requests.

(a) *General.* Unless otherwise authorized by the Department, a transaction request must be submitted on a transaction request form. In the case of certain transactions specified by the Department, the owner's signature on the form must be certified or guaranteed, as provided in § 357.31. If the transaction request form is received more than six (6) months after its execution, it will not be honored by the Department and will be returned to the sender for further instructions.

(b) *Individuals—(1) General.* A transaction request must be signed by the owner of the security. In addition to any required certification, a transaction request form executed by a person by mark, e.g., "(X)", must be witnessed by a disinterested person. The following language should be added to the form and be signed by the witness:

Witness to signature by mark

Signature of witness

Address of witness

(2) *Change of name.* If an individual's name has been changed from that appearing in the registration, the individual should sign both names to the transaction request form and state the manner in which the change occurred.

Example: Deborah L. Gains, changed by order of court from Deborah G. O'Brien.

The individual must provide evidence, such as a certified copy of a court order, which confirms the change, unless it is indicated that the change of name resulted from marriage.

Example: Catherine M. Cole, changed by marriage from Catherine T. Murray.

(3) *Natural guardians.* A transaction request involving a security registered in

the name of a natural guardian of a minor may be executed by the natural guardian. If a security is registered in the names of both parents as natural guardians of a minor, both must execute a transaction request. However, the Department will not honor a transaction request by the natural guardian(s):

(i) Which would transfer the security to a natural guardian in his or her own right; or

(ii) After the Department receives notice of the minor's attainment of majority, the qualification of a legal guardian or similar representative, or the death of the minor.

(4) *Voluntary guardians.* A transaction request involving a security belonging to an owner who has become incompetent may be executed by a voluntary guardian, but only after approval by the Department of the voluntary guardian's application for such designation. However, the Department will not honor a transaction request by the voluntary guardian:

(i) Which would transfer the security to a voluntary guardian in his or her own right; or

(ii) After the Department receives notice of the ward's restoration to competency, the qualification of a legal guardian or similar representative, or the death of the ward. See § 357.21(b)(4).

(c) *Representatives—(1) General.* A representative of an owner's estate, other than a trustee, may execute a transaction request form if the representative submits to the Department properly authenticated evidence of the authority to act. The evidence will not be accepted if dated more than six (6) months prior to the date of execution of the transaction request.

(2) *Estates closed.* If a security is registered in the name of an owner who is deceased and whose estate has been closed and the representative discharged, a transaction request must be made by the person(s) entitled to the security, as determined from the pertinent court records or the deceased owner's will, if any.

(3) *Estates not administered—(i) Special provisions under State laws.* If, under applicable State law, a person is entitled to or has been recognized or appointed to administer the estate of a deceased owner without court-supervised administration, that person may execute a transaction request involving a security belonging to the deceased owner, provided appropriate evidence of authority is submitted to the Department.

(ii) *Agreement of persons entitled.* If a representative of a deceased owner's estate has not been or is not to be

appointed, the Department will honor an application for disposition of any securities belonging to the deceased owner pursuant to a written agreement provided that the Department is satisfied that:

(A) All persons entitled to share in the decedent's personal estate are parties to the agreement;

(B) Provision has been made for payment of all the decedent's debts; and

(C) The interests of any minor or incompetents have been protected.

(d) *Private organizations—(1) Corporations and unincorporated associations.* A transaction request involving a security registered in the name of a corporation or an unincorporate association (either in its own right or in a representative capacity), may be executed by an authorized person on its behalf. The request must be supported by evidence of the person's authority to act.

(2) *Partnerships.* A transaction request involving a security registered in the name of a partnership must be executed by a general partner.

(e) *Government entities.* A transaction request involving a security registered in the name of a State, county, city, school district, or other governmental entity, public body or corporation, must be executed by a authorized officer of the entity. The request must be supported by evidence of the officer's authority to act.

(f) *Public officers.* A transaction request involving a security registered in the title of a public officer must be executed by the officer. The request must be supported by evidence of incumbency.

(g) *Attorneys-in-fact.* A transaction request made by an attorney-in-fact must be accompanied by the original power of attorney or a properly authenticated copy. A power of attorney must be executed in the presence of a notary public or a certifying individual. See § 357.31. The power of attorney will not be accepted if it was executed more than two (2) years before the date the transaction request was executed, unless the power provides that the authority of the attorney-in-fact continues notwithstanding the incapacity of the principal. If two or more attorneys-in-fact are named, all must execute the transaction request unless the power authorizes fewer than all to act. A transaction request executed by an attorney-in-fact seeking transfer of a security to the attorney-in-fact will not be accepted unless expressly authorized by the document appointing the attorney-in-fact.

(Approved by the Office of Management and Budget under control number 1535-0068.)

§ 357.29 Time required for processing transaction request.

For purposes of a transaction request affecting payment instructions with respect to a security, a proper request must be received not less than twenty (20) calendar days preceding the next payment date. If the twentieth day preceding a payment date falls on a Saturday, Sunday, or a Federal holiday, the last day set for the receipt of a transaction request will be the last business day preceding that date. If a transaction request is received less than twenty (20) calendar days preceding a payment date, the Department may in its discretion act on such request if sufficient time remains for processing. If a transaction request is received too late for completion of the requested transaction, the transaction request will be acted upon with respect to future payments only.

(Approved by the Office of Management and Budget under control number 1535-0068.)

§ 357.30 Cases of delay or suspension of payment.

If evidence required by the Department in support of a transaction request is not received by the Department at least twenty (20) calendar days before the maturity date of the security, or if payment at maturity has been suspended pursuant to § 357.26(f), then, except as provided in § 357.27, in cases of reinvestment, the Department will redeem the security and hold the redemption proceeds in the same form of registration as the security redeemed, pending further disposition. No other interest shall accrue or be paid on such proceeds after the security is redeemed.

§ 357.31 Certifying individuals.

(a) *General.* The following individuals may certify signatures on transaction request forms:

(1) Officers and employees of depository institutions and officers of corporate central credit unions who have been authorized:

(i) generally to bind their respective institutions by their acts;

(ii) Unqualifiedly to guarantee signatures to assignments of securities; or

(iii) To certify assignments of securities.

(2) Officers and authorized employees of Federal Reserve Banks.

(3) Officers of Federal Land Banks, Federal Intermediate Credit Banks and Banks for Cooperatives, the Central

Bank for Cooperatives, and Federal Home Loan Banks.

(4) Commissioned officers and warrant officers of the Armed Forces of the United States but only with respect to signatures on forms executed by Armed Forces personnel, civilian-field employees, and members of their families.

(5) Such other persons as the Commissioner of the Public Debt or his designee may authorize.

(b) *Foreign countries.* The following individuals are authorized to certify signatures on transaction request forms executed in a foreign country:

(1) United States diplomatic or consular officials.

(2) Managers and officers of foreign branches of depository institutions.

(3) Notaries public and other officers authorized to administer oaths, provided their official position and authority are certified by a United States diplomatic or consular official under seal of the office.

(c) *Duties and liabilities of certifying officers.*

(1) *General.* Except as specified in paragraph (c)(2) of this section, a certifying individual shall require that the transaction request form be signed in the certifying individual's presence after he or she has established the identity of the person seeking the certification. An employee who is not an officer should insert the words "Authorized signature" in the space provided for the title. A certifying individual and the organization of which the certifying individual is an officer or employee are jointly liable for any loss the United States may incur as a result of the individual's negligence.

(2) *Signature guaranteed.* The transaction request form need not be executed in the presence of a certifying individual if he or she unqualifiedly guarantees the signature, in which case the certifying individual shall, after the signature, endorse in the following form: "Signature guaranteed, First National Bank of Smithville, Smithville, NH, by A.B. Doe, President", and add the date. In guaranteeing a signature, the certifying individual and the organization of which the certifying officer is an officer or employee warrant to the Department that the signature is genuine and that the signer had legal capacity to execute the transaction request.

(3) *Absence of signature guaranteed by depository institution.* A transaction request form need not be actually signed by the owner in any case where a certifying individual associated with a depository institution has placed an

endorsement on the form reading substantially as follows: "Absence of signature by owner and validity of transaction guaranteed, Second State Bank of Jonesville, Jonesville, NC, by B.R. Butler, Vice President". The endorsement should be dated, and the seal of the depository institution should be added. This form of endorsement is an unconditional guarantee to the Department that the depository institution is acting for the owner under proper authorization.

(d) *Evidence of certifying individual's authority.* The authority of a certifying individual to act is evidenced by affixing to the certification the following:

(1) *Officers and employees of depository institutions.*—The institution's seal, signature guarantee, stamp, or, if the institution is an authorized paying or issuing agent for U.S. Savings Bonds, a legible imprint of the paying agent or the issuing agent's stamp.

(2) *Officers and authorized employees of Federal Reserve Banks.*—Whatever is prescribed in procedures established by the Department.

(3) *Officers and employees of corporate central credit unions and other entities listed in paragraph (a)(3) of this section.*—The entity's seal.

(4) *Notaries public, diplomatic or consular officials.*—The official seal or stamp of the office. If the certifying individual has no seal or stamp, then the official's position must be certified by some other authorized individual, under seal or stamp, or otherwise proved to the satisfaction of the Department.

(5) *Commissioned or warrant officers of the United States Armed Forces.*—A Statement which sets out the officer's rank and the fact that the person executing the transaction request is one whose signature the officer is authorized to certify under these regulations.

(e) *Interested persons not to act as certifying individual.* Neither the transferor, the transferee, nor any person having an interest in a security involved in the transaction may act as a certifying individual. However, an authorized officer or employee of a depository institution may act as a certifying individual on a transaction request for transfer of a security to the institution, or any request executed by another individual on behalf of the institution.

§ 357.32 Submission of transaction requests; further information.

Transaction requests and requests for forms and information may be submitted to any Federal Reserve Bank or to the

Bureau of the Public Debt, TREASURY DIRECT, Washington, DC 20239-0001. A list of the addresses of Federal Reserve Banks will be available upon request to the Bureau. The Federal Reserve Banks, as fiscal agents of the United States, are authorized to perform such functions as may be delegated to them by the Department in order to carry out the provisions of this Part.

Subpart D—Additional Provisions

§ 357.40 Additional requirements.

In any case or any class of cases arising under these regulations, the Secretary of the Treasury ("Secretary") may require such additional evidence and a bond of indemnity, with or without surety, as may in the judgment of the Secretary be necessary for the protection of the interests of the United States.

§ 357.41 Waiver of regulations.

The Secretary reserves the right, in the Secretary's discretion, to waive any provision(s) of these regulations in any case or class of cases for the convenience of the United States or in order to relieve any person(s) of unnecessary hardship, if such action is not inconsistent with law, does not impair any existing rights, and the Secretary is satisfied that such action will not subject the United States to any substantial expense or liability.

§ 357.42 Liability of Department and Federal Reserve Banks.—[Reserved]

§ 357.43 Liability for transfers to and from TREASURY DIRECT.

A depository institution or other entity that transfers to, or receives, a security from TREASURY DIRECT is deemed to be acting as agent for its customer and agrees thereby to indemnify the United States and the Federal Reserve Banks for any claim, liability, or loss resulting from the transaction.

§ 357.44 Notice of attachment for securities in TRADES.—[Reserved]

§ 357.45 Supplements, amendments, or revisions.

The Secretary may, at any time, prescribe additional supplemental, amendatory or revised regulations with respect to securities, including charges and fees for the maintenance and servicing of securities in book-entry form.

[FR Doc. 86-11097 Filed 5-15-86; 8:45 am]

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Federal Register

**Friday
May 16, 1986**

Part VI

Department of Transportation

Coast Guard

**33 CFR Parts 126 and 127
Liquefied Natural Gas Waterfront
Facilities; Proposed Rule**

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Parts 126 and 127**

[Docket No. [CGD 78-038]

Liquefied Natural Gas Waterfront Facilities**AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes safety standards for the design and construction, equipment, operations, maintenance, personnel training, firefighting, and security at liquefied natural gas waterfront facilities. These regulations implement the Ports and Waterways Safety Act of 1972, as amended, and are necessary to prevent or mitigate the results of an accidental release of liquefied natural gas (LNG) at a LNG waterfront facility. They would reduce the possibility that such an accident could occur, and would reduce the damage and injury to persons and property should an accident occur.

DATE: Comments must be received on or before August 14, 1986.

ADDRESSES: Comments on the proposal should be submitted to Commandant (G-CMC), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council (G-CMC), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, (202) 426-1477. Normal office hours are between 7:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. The Draft Evaluation and the Draft Environmental Assessment and Findings of No Significant Impact are also available for inspection and copying at the same address.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Michael V. Franchini, Project Manager, Office of Marine Environment and Systems (G-WPE-3), (202) 426-9578, between 7:00 A.M. and 3:30 P.M., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data or arguments. Comments should include the name and address of the person making them, identify this notice (CGD 78-038) and the specific section of the proposal to which each comment applies, and give the reason for each comment. If an acknowledgment is desired, a stamped,

self-addressed post card or envelope should be enclosed.

The rules as proposed may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned. However, one may be held at a time and place to be set in a subsequent notice in the *Federal Register* if written requests for a hearing are received from interested persons raising valid issues, and if it is determined that the opportunity to make oral presentations will be beneficial to the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are: Lieutenant Michael V. Franchini, Project Manager, Office of Marine Environment and Systems, and Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

Need

A new comprehensive set of safety standards is needed for LNG waterfront facilities. LNG is natural gas (mostly methane) that has been cooled to its normal boiling point of about minus 260 °F, and thereby liquefied. As a liquid, natural gas is 1/600th of its original volume, making it economically feasible to transport by vehicle or vessel and store in large quantities. The hazards of LNG derive from its cold temperature, flammability, and characteristics upon release. LNG can cause severe freeze burns to the skin and also immediate cracking of certain metals, such as carbon steel. Upon exposure to ambient temperatures, LNG vaporizes rapidly and returns to a gaseous state. Since its density at ambient temperatures is less than air, natural gas rises. However, due to the vapor's initially cold temperature after vaporization, it may remain close to the ground and travel in the form of a plume or cloud for long distances before dispersing into the atmosphere. While natural gas is not toxic, it can cause asphyxiation; and it is flammable in air in a concentration between 5 and 15 percent by volume.

Unlike a spill on land, LNG spilled on water would spread very quickly over the flat surface of the water and would not accumulate in low-lying areas or impounding spaces. It would evaporate faster on water than on land because of greater surface area and because it would gain heat from the unlimited supply of heat in the water. These factors make it very difficult to control a release of LNG on water.

This Notice of Proposed Rulemaking (NPRM) would replace older facility regulations in 33 CFR Part 126 for methane and establish a new Part 127 to apply to LNG waterfront facilities. Existing Coast Guard waterfront facility regulations in Part 126 which apply to LNG waterfront facilities, were issued in the 1950's and 1960's under the authority of the Magnuson Act (50 U.S.C. 191). They are still effectively enforced on waterfront facilities handling cargoes other than LNG. However, since they were written before the construction of LNG waterfront facilities began (about 1969) and do not account for the relatively new technology, new regulations for LNG waterfront facilities are needed.

So that LNG waterfront facilities are not regulated in two different parts of Title 33 of the Code of Federal Regulations, this NPRM would also revise §§ 126.05 and 126.10. LNG waterfront facilities would no longer be "designated waterfront facilities" or "facilities of particular hazard" and Part 126 would no longer apply.

The standards proposed by this notice concern design and construction, equipment, operations, maintenance, personnel training, firefighting, and security on that part of an LNG waterfront facility which falls under Coast Guard purview. They would fill a gap in current federal regulations for LNG waterfront facilities. The Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT, published regulations in 49 CFR Part 193 that apply to the inland side of all LNG waterfront facilities. The regulations in this proposal would apply only to the waterside of LNG waterfront facilities, and are compatible with MTB's regulations. The MTB and the Coast Guard cooperated in developing a format to be used by both agencies in their regulations.

These regulations would make many industry consensus standards and practices mandatory. Conscientious owners and operators of LNG facilities have developed and implemented safety standards and programs that have reduced the potential for accidents and injuries at these waterfront facilities. However, these standards and programs are voluntary. Making these industry standards and practices mandatory would provide new impetus for less conscientious companies, subcontractors, and workers to observe accepted waterfront safety practices and will provide a means to ensure corrective action where necessary.

Finally, these proposed regulations would organize the Coast Guard

requirements for LNG waterfront facilities so that they are easier for industry to understand and meet, and easier for the Coast Guard to enforce. There are concepts being considered in the proposed regulations that are not industry standards or practices. Some are based on Coast Guard requirements that are applied now to LNG waterfront facilities. They are from general sources, such as the existing waterfront facility regulations in 33 CFR Part 126 and the general ports and waterways safety regulations in 33 CFR Part 160. Others parallel the Coast Guard's oil pollution prevention regulations in 33 CFR Parts 154-156. Additional provisions are taken from the MTB's regulations in 49 CFR Parts 193 to provide uniformity. These concepts would be consolidated with up-to-date standards for LNG waterfront facilities into one Part in the Code of Federal Regulations.

Regulatory History

In the July 14, 1978 issue of the *Federal Register* (34 FR 30381), the Department of Transportation published a Memorandum of Understanding (MOU) between the Coast Guard and the MTB concerning each agency's responsibility for regulating LNG waterfront facilities. This MOU became effective on February 7, 1978.

The agencies considered the MOU necessary because they share certain regulatory authority over LNG waterfront facilities and wanted to avoid duplication of regulations. This authority concerned the siting, design, equipment, operations, and maintenance of LNG waterfront facilities.

By the terms of the MOU, the Coast Guard was responsible for establishing, and the MTB would refrain from establishing, regulatory requirements for: (1) The site selection as it relates to management of vessel traffic in and around each LNG waterfront facility; (2) fire prevention and fire protection equipment, systems, and methods for use at LNG waterfront facilities; (3) security of each LNG waterfront facility; and (4) all other matters pertaining to each facility between each vessel moored there and the last manifold or valve immediately before a receiving tank. (This area is referred to as the "marine transfer area" and in the proposed regulations as just the "area".) As a result of the MOU, the Coast Guard issued on August 3, 1978 an Advance Notice of Proposed Rulemaking (ANPRM) (43 FR 34362) proposing preliminary draft safety standards for LNG waterfront facilities.

The Research and Special Programs Administration (RSPA) was reorganized on November 1, 1985. The Office of

Pipeline Safety Regulation in the MTB became the Office of Pipeline Safety in the RSPA.

Since the publication of the original MOU in July 1978, a revised MOU has been developed between the Coast Guard and the RSPA. In this MOU, the agencies agreed to a division of regulatory responsibilities for fire prevention and protection and security at the facility, at the last manifold or valve immediately before a receiving tank. As with all other matters pertaining to each facility, the Coast Guard will promulgate regulations for fire prevention and protection and security for that part of the LNG waterfront facility between each vessel and the last manifold or valve immediately before a receiving tank. The new MOU became effective on (insert date of signing). Because of the MOU and their new jurisdiction over fire prevention and protection and security, the RSPA will revise its regulations in a separate rulemaking, which will be coordinated with this NPRM.

The revised MOU follows:

Memorandum of Understanding Between the United States Coast Guard and the Research and Special Programs Administration for Regulation of Waterfront Liquefied Natural Gas Facilities

I. Introduction

Within the Department of Transportation (DOT), the United States Coast Guard (USCG) and the Research and Special Programs Administration (RSPA) exercise separate and overlapping safety regulatory authority affecting the siting, design, construction, maintenance, and operation of waterfront liquefied natural gas (LNG) facilities adjoining the navigable waters of the United States. The USCG derives its authority over such facilities from the Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*) and Executive Order 10173, as amended (3 CFR, 1949-1953 Comp., p. 356), issued by the President under the Magnuson Act (50 U.S.C. 191). The regulatory authority of the RSPA over these same facilities (as well as non-waterfront LNG facilities) is derived from the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et seq.*). Under 49 U.S.C. 1671(12), the RSPA's authority over LNG facilities does not extend to any structures or equipment (or portions thereof) located in navigable waters.

In recognition of each of the parties' respective regulatory responsibilities, the USCG and the RSPA agree that a memorandum of understanding is needed to avoid duplication of regulatory efforts regarding waterfront LNG facilities and to maximize the exchange of relevant information.

II. Responsibilities of the Parties

For the foregoing reasons, the USCG and the RSPA agree to the following division of

regulatory responsibilities with respect to waterfront LNG facilities and cooperation in carrying out those responsibilities:

USCG Responsibilities

The USCG is responsible for establishing regulatory requirements for—

- (1) Facility site selection as it relates to management of vessel traffic in and around a facility; and
- (2) All matters pertaining to structures or equipment (or portions thereof) located in the navigable waters and facilities located between the vessel and the last manifold (or valve) immediately before the receiving tank(s), other than the site selection responsibilities of the RSPA set forth below.

RSPA Responsibilities

The RSPA is responsible for establishing regulatory requirements for—

- (1) Site selection of facilities other than structures or equipment (or portions thereof) located in the navigable waters and except as provided by paragraph (1) of the "USCG Responsibilities" set forth above; and
- (2) All other matters pertaining to the facilities beyond (and including) the last manifold (or valve) immediately before the receiving tank(s) except those structures or equipment (or portions thereof) located in the navigable waters.

Joint Responsibilities

- (1) The USCG and the RSPA will cooperate and assist each other in carrying out their respective waterfront LNG facility regulatory enforcement activities; and
- (2) The USCG and the RSPA, in an effort to avoid inconsistent regulation of similar safety matters (including as between waterfront and non-waterfront LNG facilities), will consult with each other before issuing each Advance Notice of Proposed Rulemaking, Notice of Proposed Rulemaking, and final regulation affecting waterfront LNG facilities.

III. Effect

This agreement is effective upon being signed by the authorized representatives of both the USCG and the RSPA and supersedes in its entirety the February 7, 1978, Memorandum of Understanding between the USCG and the Materials Transportation Bureau.

For the United States Coast Guard.

ADM James S. Gracey

Commandant.

Dated: May 5, 1986.

For the Research and Special Programs Administration.

M. Cynthia Douglass

Administrator.

Dated: May 9, 1986.

The regulatory authority of the Coast Guard is derived from the Ports and Waterways Safety Act of 1972 (PWSA), as amended by the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221). Under this authority, the Coast Guard published the ANPRM on August 3, 1978. The RSPA published its regulations under the authority of the

Natural Gas Pipeline Safety Act of 1968 (NGPSA) (49 U.S.C. 1671), as amended by the Natural Gas Pipeline Safety Act Amendments of 1976 (NGPSAA) (Pub. L. 94-474, 90 Stat. 2073) and by the Pipeline Safety Act of 1979 (PSA) (Pub. L. 96-129, 93 Stat. 996, 998, 1001); and the Transportation Safety Act of 1974 (TSA) (49 U.S.C. 1801), as amended by the Hazardous Materials Transportation Act Amendments of 1976 (Pub. L. 94-474, 90 Stat. 2068).

These diverse regulatory authorities complicated federal regulation of LNG waterfront facilities. Section 4 of the NGPSA (49 U.S.C. 1672(a)(1)), as amended, allows state agencies to adopt additional or more stringent safety standards for intrastate pipeline transportation if such standards are compatible with the Federal minimum standards. However, this section prohibits those agencies from adopting or continuing in force any such standards applicable to interstate transmission facilities, after the Federal minimum standards become effective. No similar preemptive authority is granted by the PWSA, as amended. Without such preemption, it would be possible for an LNG facility to have to operate under the requirements of two Federal agencies and the State and local governments.

To ensure uniformity in regulating all LNG waterfront facilities, the Secretary of Transportation delegated to the Coast Guard certain functions and responsibilities vested in the Secretary by the NGPSA, as amended by the NGPSAA. This delegation, which appeared in the January 26, 1979 issue of the *Federal Register* (44 FR 5436) as an amendment to 49 CFR 1.46, allowed the Coast Guard to carry out the Secretary's responsibilities under the NGPSA, as amended, in accordance with the MOU, and, in effect, bestowed the same preemptive authority to the Coast Guard as delegated to the RSPA.

A supplemental ANPRM was issued on March 8, 1979 (44 FR 12693) reflecting the change in authority. However, subsequent legal review and legislative activity resulted in the determination that the Coast Guard does not have authority to regulate LNG waterfront facilities under the NGPSA, as amended by the PSA. The legislative history of the various statutes made it clear that Congress intended that the Coast Guard regulate LNG waterfront facilities exclusively under authority of the PWSA. This is supported by the definition of LNG facilities added by the PSA that excludes "any structure or equipment (or portion thereof) located in the navigable waters . . ." Therefore,

Coast Guard regulations for LNG waterfront facilities will be issued under authority of the PWSA, which does not prohibit State or political subdivisions thereof from prescribing higher safety equipment requirements or safety standards for facilities than those which may be prescribed through this rulemaking process.

The following table shows the correspondence between section numbers in the ANPRM of August 3, 1978 and this NPRM. Due to modifications made to this NPRM, including the incorporation of some of the RSPA's fire and security regulations, not all sections in the ANPRM have corresponding sections in the NPRM. Some sections of the ANPRM have been omitted and some new sections have been added to the NPRM. Because the proposed regulations concern only LNG waterfront facilities and no other dangerous cargoes or facilities, they would not be established in Part 126, as originally proposed, but established in a new Part 127 in Title 33 of the Code of Federal Regulations.

NPRM	ANPRM
Subpart A—General	Application and Enforcement
127.001	126.2002
127.003	126.2050
127.005	126.2003
127.007	126.2011
127.009	126.2110
127.011	126.2015
127.013	126.2016
127.015	126.2036
127.017	126.2031
127.019	126.2610(b)
Subpart B—Design and Construction	Design and Construction
127.101	126.2210
127.103	126.2214
127.105	126.2219
127.107	126.2220
127.109	126.2221
127.111	126.2222
127.113	
Subpart C—Equipment	Detection and Sensor Systems
127.201	126.2310, 126.2315, 126.2320, 126.2325
127.203	126.2320(d)
127.205	126.2335
127.207	
Subpart D—Operations	Operations
127.301	126.2611
127.303	126.2613
127.305	126.2621
127.307	126.2622
127.309	126.2610
127.311	126.2642
127.313	126.2645
127.315	126.2651
127.317	126.2652
127.319	126.2653
127.321	126.2653(b)
Subpart E—Maintenance	Maintenance and Repair
127.401	126.2410, 126.2420
127.403	126.2430
127.405	126.2460
127.407	126.2440
127.409	126.2307
Subpart F—Personnel Training	Personnel
127.501	126.2722

NPRM	ANPRM
Subpart G—Firefighting	Fire Protection and Safety Equipment
127.601	126.2511
127.603	
127.605	126.2550
127.607	126.2520
127.609	126.2524
127.611	
127.613	126.2641
127.615	126.2652
127.617	126.2653(n)
Subpart H—Security	Security
127.701	
127.703	126.2610
127.705	126.2610
127.707	126.2610
127.709	126.2610
127.711	

The regulatory scheme published in the ANPRM has been reorganized and simplified. Sections in the NPRM have been grouped into subparts and numbered according to the subpart group. The ANPRM consisted of 72 sections, while the NPRM consists of 52 sections. The burden on the industry has been reduced. There would be fewer paperwork requirements; the records of the Letter of intent, inspection, maintenance, and personnel training are no longer proposed in the NPRM. The number of industry specifications incorporated by reference has been reduced from 19 in the ANPRM to 7 in the NPRM. Burden is discussed further in the section titled EVALUATION.

General Comments

Comments were received on the ANPRM from 48 different commenters, the largest group (23) representing gas industry associations of LNG facility operators. Government agencies, non-industry organizations, and individuals also commented. The Coast Guard has reviewed the comments and has adopted those which it deems appropriate.

The comments indicated that there was confusion concerning the applicability of the regulations. Seven comments recommended that the regulation distinguish marine-mode waterfront facilities from peak shaving and satellite facilities adjacent to navigable waterways. Many comments to specific sections of the ANPRM also reflected this confusion. The proposed regulations apply only to waterfront facilities at which LNG transfer operations are conducted. A waterfront facility is defined in 33 CFR 126.01 as "all piers, wharves, docks, and similar structures to which a vessel may be secured; areas of land, water, or land and water under and in immediate proximity to them; buildings on such structures or contiguous to them and

equipment and materials on such structures or in such buildings. . . . if LNG is not transferred between a vessel and the facility, these proposed regulations would not apply.

Comments also indicated confusion over the applicability of the proposed regulations to the whole facility versus the marine transfer area. This confusion was eliminated by the revised MOU, which was signed on (insert date of signing). The MOU splits Coast Guard and RSPA firefighting and security responsibility at the same location on the facility as all other matters, i.e. at the last manifold (or valve) immediately before a receiving tanks.

Other commenters said that it was not clear which proposed regulations applied to existing and new LNG waterfront facilities and which applied only to new LNG waterfront facilities. The proposed definition in this notice for "existing" means constructed or being constructed under a contract awarded before the effective date of the regulations. "New" is proposed to mean constructed or being constructed under a contract awarded on or after the effective date of the regulations. Existing facilities would not have to comply with the requirements in the design and construction, equipment, and security subparts, except § 127.701. New facilities would have to comply with all of the proposed rules. The applicability section was rewritten from that proposed in the ANPRM to eliminate this confusion.

Comments relating to the lack of Federal preemption authority in the PWSA were also received. The Coast Guard ANPRM was issued under the authority of the PWSA, which does not prohibit States or political subdivisions thereof from prescribing higher facility safety equipment requirements that those that may be prescribed through this rulemaking process. The RSPA's regulations, which apply to the inland side of a LNG waterfront facility, were issued under the authority of the NGPSA which allows preemption of state and local regulations. Eleven commenters indicated that different authorities governing different parts of a facility could result in a facility operating under the requirements of several overlapping and potentially conflicting jurisdictions. This is correct, however the limitations in existing statutory authority, as discussed earlier in the section titled REGULATORY HISTORY, dictate this result. The RSPA and Coast Guard regulations are intended to be completely compatible to minimize the burden on industry. Comments are

particularly requested on any perceived areas of conflict or inconsistency.

The following portion of the preamble discusses the section-by-section comments to the ANPRM, as well as important changes to the proposed sections of this notice.

Subpart A—General

Many commenters suggested that §§ 126.2001, 126.2002 and 126.2025 (published as § 126.2205, in error) of the ANPRM be clarified to indicate the applicability of the proposed regulations. Section 126.2001, Purpose, and § 126.2025, Effective dates, have been omitted in the NPRM. These regulations would be effective 30 days after the final rule is published. In those sections in the NPRM where time is needed to comply with the requirements, a separate effective date is included. Clarifications to eliminate the confusion over the definition of waterfront facility, the applicability of the NPRM to the facility, and the applicability to new and existing facilities have been made. Other commenters said that the division of jurisdiction between the RSPA and the Coast Guard was complicated. This division is clearer in the revised MOU.

Many comments suggested changes to definitions found in the ANPRM. Twenty-one definitions in the ANPRM are not included in the NPRM because they are no longer used in the regulations or their meanings are the same as those found in a standard dictionary. Several minor wording changes have been made. Two definitions have been substantially rewritten to agree with the rewritten applicability. The definition of "Marine transfer area" (area) now corresponds to the area of Coast Guard jurisdiction as outlined by the MOU and the definitions of "waterfront facility" and "LNG facility" have been combined to form the definition of "LNG waterfront facility".

Section 126.2011, Letter of intent (now § 127.007), has been changed by excluding requests for information that would not be utilized or which is available to the Coast Guard from other sources. Section 126.2901, which requires the operator to keep a record of the Letter of intent, has been omitted from the NPRM. A paragraph concerning existing structures which have not transferred LNG within 12 months and which intend to transfer LNG, has been added to § 127.007 in the NPRM.

Eighteen commenters made suggestions concerning proposed § 126.2012 and the issuance of a use permit by the COTP to the facility operator for a period of five years. Ten said that the 5-year time period was too

restrictive. This section has been omitted from the NPRM and a new section has been proposed as, § 127.019, *Operations Manual and Emergency Manual: Procedures for examination*. It would require that the *Operations Manual and Emergency Manual* meet §§ 127.305 and 127.307, respectively, and contain the words "examined by the Coast Guard" after review by the COTP. The Coast Guard believes that proposed § 127.019 and § 127.309, *Operations Manual and Emergency Manual: Use*, would be sufficient to regulate LNG transfer operations, and that the Use Permit would not be necessary. Section 126.2013 of the ANPRM, *Enforcement*, has also been omitted. The authority of the COTP to enforce regulations is clearly stated in Federal law and regulations.

Several comments on §§ 126.2016, 126.2031, 126.2035, and 126.2036 of the ANPRM indicated that a time limit should be set for response by the Coast Guard to any petitions or applications made by facility operators. The Coast Guard plans to issue policy guidance concerning this issue to its District Commanders, indicating that response shall be made in a timely manner. Section 126.2035, *Exemptions*, has been omitted, while the other sections now appear as 127.013, 127.017, and 127.015 respectively in the NPRM.

Section 126.2050, *Reference specifications, standards and codes*, (proposed in the NPRM as § 127.003) has been changed to include only those sources mentioned in the NPRM. Citations have been updated to reflect current editions.

Three commenters suggested that § 126.2110, *LNG Facility Siting: LNG vessels*, was either too general or that it should be deleted altogether. The Coast Guard feels that this requirement must be included. In order to protect the marine environment and prevent damage to or destruction of structures on or adjacent to the navigable waters, the waterway leading to the site from the sea must be suitable for the number and size of vessels contemplated as carriers for LNG. This section has been rewritten as proposed § 127.009, *Letter of recommendation*. It is very specific as to the proposed criteria used by the COTPs to fulfill the Coast Guard's siting responsibility under the MOU with the RSPA. The Letter of recommendation contains the COTP's recommendations concerning proposed sites. The Coast Guard is authorized by law to establish water or waterfront safety zones, or other measures for limited, controlled, or conditional access and activity, when

necessary for the protection of any vessel, structure, waters, or shore area.

Subpart B—Design and Construction

Section 126.2210 of the ANPRM (now § 127.101) has been retitled "Design and construction: General" and contains updated citations for the 1985 edition of NFPA 59A. Chapters 1, 3, 5 and 9 of NFPA 59A have been eliminated from this proposed section because they relate to areas outside Coast Guard purview.

Several paragraphs in § 126.2214 of the ANPRM (now § 127.103) have been omitted because they are already the minimum standards of industry construction. In accordance with several comments, mooring and breasting dolphins are exempted from the substructure requirements of proposed § 127.103. Comments also indicated confusion over the term "fire endurance rating" contained in § 126.2214 of the ANPRM because the term "flame" endurance rating was defined in § 126.2003 of the ANPRM. The word "flame" was inadvertently used in the definition and has been changed to "fire" in proposed § 127.005. Section 126.2214(m) concerning warning alarms has been moved to the proposed Subpart C, Equipment. It has also been changed to require that alarms be heard and seen from a distance of 1 mile. A recent National Transportation Safety Board investigation of a waterfront facility, involving a ship collision, pointed out the need for both visible and audible alarms to warn facility personnel and vessels of danger.

Several commenters felt that the prohibition, proposed in the ANPRM in § 126.2216, of sewers, open trenches, and drains that would allow LNG vapors to be carried to areas not under the full control of the operator, was too stringent. Because existing LNG waterfront facilities should not be required to rebuild their drainage systems, if they have had no problems, we have moved this requirement to Subpart B, Design and Construction, which applies only to new LNG waterfront facilities. It has been included in § 127.101 of the NPRM by incorporating by reference section 2-1.2 of NFPA 59A. Four commenters felt that the quality assurance plan required in § 126.2217 of the ANPRM was expensive and unnecessary. This section has been omitted from the NPRM.

Section 126.2219, LNG facility layout and systems spacing, has been replaced by a more general requirement (proposed in § 127.105) than the one in the ANPRM. The NPRM is written as a performance standard but retains the concept of the ANPRM.

Many comments to the ANPRM § 126.2221, Lighting systems, indicated that paragraph (b), which proposed that the lighting pattern on the facility be symmetrical, should be changed. The Coast Guard agrees that this is not necessary and has proposed a performance standard in § 127.109. Paragraph (a) of § 126.2222 (now § 127.111) has also been changed. The Coast Guard believes that three separate communications systems for the marine transfer area are not necessary. Therefore, a facility-wide "primary communications system" is not proposed in the NPRM.

Subpart C—Equipment

Sections 126.2310, 126.2315, 126.2320, and 126.2325 in the ANPRM have been condensed into § 127.201 in the NPRM. Section 127.201, Sensing and alarm systems, would incorporate parts of NFPA 59A instead of establishing new requirements for these systems.

As suggested by several comments, the title of § 126.2335 of the ANPRM has been changed from "Automatic shutdown" to the more appropriate "Emergency Shutdown" in proposed § 127.205. The section now includes a proposal for manual actuation. The proposed actuation at "30% or more of the lower flammable limit" in the ANPRM has been changed to "when LNG concentrations . . . exceed 40% of the lower flammable limit" in the NPRM to be consistent with the requirement found in 49 CFR 193.2439(a)(4).

Subpart D—Operations

The proposal in § 126.2810 in the ANPRM, LNG facility operations, has been divided into two sections in the NPRM. Section 127.309, *Operations Manual* and *Emergency Manual*: Use, proposes mandatory use of the *Emergency Manual*, which was not included in paragraph 126.2810(a). Section 127.019, *Operations Manual* and *Emergency Manual*: Procedures for examination, proposes requirements for new and existing facilities to correct the omission of procedures for existing facilities in § 126.2810(b).

Several commenters expressed concern that proprietary security procedures would become public information if they were included in the *Operations Manual*. Omitting § 126.2810 of the ANPRM, Manuals: availability, and, by silence, giving the operator control over the distribution of the manual, should alleviate the concern over this problem. The Coast Guard may withhold from public disclosure any information in the *Operations Manual* or *Emergency Manual*, in accordance with

the requirements of 5 U.S.C. 552a and 49 CFR Part 7.

Commenters noted that the prohibition against motor vehicles in § 126.2842(a) of ANPRM should apply only during marine transfer operations. This paragraph has been omitted from proposed § 127.311. The concept as delineated by the words "when permitted by local ordinances and regulations" has been omitted from § 127.311(b) because, as commenters indicated, it is unnecessary.

Several comments were received on § 126.2852 of the ANPRM, Declaration of Inspection, stating that the responsibility for certain items was misplaced. These comments are no longer relevant because of the rewriting of this section. As now proposed, the person in charge of shoreside transfer operations would be responsible for executing the declaration. The proposal for the Declaration of Inspection to be in a specified format has been omitted. The proposal would allow any form, provided that the required information is included.

The Coast Guard concurs with commenters that operations need not be stopped if a fire occurs anywhere on the facility, as proposed in the ANPRM. Therefore paragraph (c)(2) of § 126.2853 has been rewritten. Proposed § 127.319 of the NPRM would require that transfer operations be discontinued during any fire in the marine transfer area and during uncontrolled fires within 4.8 kilometers (3 miles) of the periphery of the area. Other comments on § 126.2853 concerned paragraph (o) and stated that a requirement for hoses to be charged and laid out was unnecessary. The Coast Guard agrees with these comments and this proposal has been omitted.

Subpart E—Maintenance

Some proposals in this group in the ANPRM were written so that they appeared to apply to the process plant, which is beyond Coast Guard jurisdiction. Corrections to those sections have been made to clarify the applicability.

Commenters made suggestions concerning the time interval between tests proposed in § 126.2440, Testing and calibration. The Coast Guard believes that "at least once every 12 months" is appropriate and has retained the concept in proposed § 127.407.

Some commenters to ANPRM § 126.2460, Repairs, indicated that some safety repairs can be made without taking the transfer system out of service. The Coast Guard agrees that the decision to take the system out of service during repairs, can be made by

the facility operator on a case-by-case basis. This requirement has been omitted.

Subpart F—Personnel Training

Section 126.2710, Emergency response personnel, has been omitted because these proposed requirements would involve the process plant operation and the whole facility, and should only apply to the marine transfer area. As suggested in the comments concerning paragraph (d) of § 126.2722, Training requirements, it is not necessary to repeat all required training at least every two years. The Coast Guard believes that requiring a refresher course for personnel who have already received training, is sufficient, which is proposed in § 127.501(c).

Subpart G—Firefighting

Several commenters thought that § 126.2510 of the ANPRM concerning written approval for the installation of any fire control system was redundant and unnecessary. The Coast Guard agrees that the COTP does not need to approve any additional firefighting equipment beyond the requirements of this subpart. Section 127.601 of this NPRM would require that additional equipment still meet the requirements of the subpart and bear the approval of Underwriters Laboratories, the Factory Mutual Research Corp., or the Coast Guard.

Many comments were received concerning § 126.2512, Automotive fire apparatus. However, because of the new MOU between the USCG and the RSPA, this subpart no longer applies to the whole facility and this section has been omitted.

Another comment indicated that the fire main pressure proposed in § 126.2522(d) of the ANPRM should not be limited by a maximum pressure. While the reaction forces from fire hoses can become dangerous above this maximum pressure, fire monitors operate safely at higher pressures. Therefore this requirement has been changed. The guideline for the fire main pressure in proposed § 127.607 is now a minimum pressure.

Paragraph 126.2550(d) has been omitted because two commenters indicated that no evacuation equipment, meeting the requirements in this paragraph, was available.

A section concerning portable fire extinguishers (§ 127.603) and a section requiring an international shore connection (§ 127.611) have been proposed for this subpart.

Subpart H—Security

Three new proposals have been added to this subpart in the NPRM. Section 127.701 requires that security procedures and arrangements that were in use when LNG transfer operations were last conducted be continued and maintained as long as transfer operations are conducted. Section 127.705, Security systems, requires that security patrols be made unless the facility has a manned television monitoring system. Section 127.711, Communications, requires that security patrols have a means to communicate with other personnel on duty on the facility.

Section 126.2610 in the ANPRM proposes a chain-link fence around the whole facility. This has been rewritten as proposed § 127.703 because, as many commenters pointed out, it is not intended to enclose the dock area of the facility.

Evaluation

The Transportation Systems Center (TSC) prepared a report entitled, *Preliminary Impact Analysis of the U.S. Coast Guard's Proposed LNG Regulations*, which is available through the Project Manager listed under "For Further Information Contact". For the analysis, a composite baseline standard was used by which the types of incremental costs and benefits, as well as their distributional effects, were identified. The baseline consisted of: (1) Current Coast Guard Waterfront Facilities regulations (33 CFR Part 126); (2) USCG facility operations plans which are issued by the Captain of the Port (COTP) for the port in which an LNG facility is located; and (3) National Fire Protection Association (NFPA) standards. The primary LNG standard is NFPA 59A, "Standards for the Production, Storage and Handling of LNG—1985 edition". NFPA standards are considered to be minimum industry standards voluntarily adopted by the LNG industry. The analysis determined the impacts of the ANPRM by identifying where the proposed regulations exceed current practices and, therefore, where costs and benefits would accrue. Although state and local jurisdictions may impose more stringent LNG safety standards, the baseline used in the analysis reflects only those Federal requirements and industry standards common to all waterfront facilities.

Of the 72 sections contained in the ANPRM, 54 were analyzed in the TSC report. Thirty-five or 65% of the 54 analyzed, introduced no change from the current baseline standards. Of the

nineteen sections of the ANPRM that exceeded current requirements and standards, fifteen resulted in administrative costs, mostly for facility operators. Most of these costs would be minimal and not recurring. An example of an administrative cost would be the preparation and submission of an *Operations Manual* and an *Emergency Manual* to the COTP. The impact of this requirement would be minimal because facility operators already submit much of this information to the COTP or maintain it themselves.

The proposed fire protection and security regulations of the ANPRM were not analyzed by TSC because the Coast Guard's proposed regulations are similar to the RSPA's final rules found in 49 CFR Part 193. A telephone survey of all LNG waterfront facilities indicated that the proposed regulations in this notice do not exceed current industry practices.

To ensure the currency and validity of the TSC report, requests for estimates of the compliance costs of this NPRM, were sent to two operating LNG waterfront facilities. The results were the latest cost figures and a confirmation that the TSC report could still be applied to the NPRM. The survey information and the TSC report were both used in the final cost/benefit analysis.

Of the 52 sections contained in the NPRM, 39 or 75% introduced no change from the current baseline requirements and standards. Of the thirteen sections of the NPRM that exceed current requirements, 8 would result in administrative costs. This is a 32% decrease from ANPRM to NPRM in the number of sections in the rulemaking that exceed current requirements.

The proposed safety standards would result in low compliance costs. According to the analysis in the Draft Evaluation, the total initial cost of these regulations to the LNG industry is \$96,000.00 and the annual recurring cost is \$44,000.00. These costs represent such a relatively small amount of money to the industry that it is believed that this regulation will have no perceptible impact on the industry. For further information concerning the economic consequences of these proposed regulations, the availability of the Draft Evaluation is discussed below.

The TSC analysis concluded that due to the low probability of an LNG accident occurring, the expected value of the quantifiable benefits of the ANPRM were low. The benefits would be great if an accident occurred. A "maximum credible accident", as discussed in the Draft Evaluation,

involving a pool fire of 30,000 m³ in an area with a population density of 10 people per km² at the dock site, could result in 21 fatalities with a cost to society of \$21 million in property damage, injury, and loss of life. If the same pool fire occurred in an area with a population 1000 persons per km², the result could be 3,810 fatalities with social costs of \$3.8 billion in property damage, injury, and loss of life.

Accidents involving small amounts of LNG have occurred in the past. The National Transportation Safety Board (NTSB) investigated one such accident that occurred at an LNG waterfront facility on October 6, 1979. According to NTSB report No. NTSB-PAR-80-2, "About 3:35 a.m., e.d.t., an explosion caused by liquefied natural gas vapors destroyed a transformer building at the reception facility of the Columbia LNG Corporation, Cove Point, Maryland. Odorless liquefied natural gas leaked through an inadequately tightened LNG pump seal, vaporized, passed through approximately 210 ft. of underground electrical conduit, and entered the substation building. One person was killed and one person was seriously injured. Damage to the facility was estimated at about \$3 million."

Despite the very large savings that would result from preventing a major LNG accident or mitigating the results of an accident if it occurred at an LNG facility, it is difficult to precisely quantify the benefits that will accrue. Specific comments on costs and benefits are requested. This is because of the extremely low probability of a major LNG accident occurring. The limited number of reported LNG facility accidents requires that probability estimates of accidents be based on the theoretical analysis of factors which might lead to their occurrence. There is large inherent uncertainty associated with such estimates, and hence of the cost/benefit values derived from them. Because of such uncertainties, prudence dictates an extra measure of caution where there is potential for a catastrophic accident. Such caution should be weighed along with other considerations when judging the need for safety standards that can reduce the possibility of a catastrophic LNG accident. This is true even when these measures may not be justified based on a theoretical risk analysis.

The benefits that cannot be quantified are discussed in the section titled NEED in this preamble. They include replacing outdated regulations, filling a gap in federal regulations, making industry standards and practices mandatory, and

consolidating and better organizing the regulations.

These proposed safety standards are considered to be non-major under Executive Order 12291 of February 17, 1981 (3 CFR, 1982 Comp., p. 127) and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979) and the Office of Management and Budget Bulletin No. 85-9 of January 10, 1985. The total cost to the industry of these proposed LNG safety standards does not exceed the \$100 million threshold to qualify as a major rulemaking, and so a Regulatory Impact Analysis is not required.

This proposed rulemaking contains information collection requirements in sections 127.007, 127.015, 127.017, 127.019, 127.301, 127.317, and 127.409. They have been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Persons desiring to comment on these information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard. Persons submitting comments to OMB are also requested to submit a copy of their comments to the U.S. Coast Guard as indicated under the section titled ADDRESSES.

The Coast Guard certifies that this proposal will not have a significant economic impact on a substantial number of small entities. This is because few, if any, small entities are involved in the costly and highly technical operations of LNG waterfront facilities. All the existing LNG waterfront facilities are owned and operated by multimillion dollar corporations.

This regulatory project is not anticipated to have an adverse impact on the environment. It is intended to prevent or mitigate the results of a catastrophic accident at a LNG waterfront facility.

The Draft Evaluation and the Environmental Assessment and Finding of No Significant Impact have been prepared and are available for inspection and copying from the Marine Safety Council (G-CMC), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593, (202) 426-1477.

List of Subjects

33 CFR Part 126

Explosives, Harbors, Hazardous materials.

33 CFR Part 127

Harbors, Security measures, Vessels.

In accordance with the preceding, it is proposed to amend Subchapter L, Chapter I of Title 33, Code of Federal Regulations as follows:

PART 126—[AMENDED]

1. The authority citation to Part 126 is revised to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46 (n)(4).

§ 126.05 [Amended]

2. By amending § 126.05(a) by adding the words "except methane" after the words "any flammable or combustible liquid in bulk".

§ 126.10 [Amended]

3. By removing the word "methane" from the list in § 126.10(d).

4. By adding a new Part 127 to read as follows:

PART 127—LIQUEFIED NATURAL GAS WATERFRONT FACILITIES

Subpart A—General

- Sec.
- 127.001 Applicability.
- 127.003 Incorporation by reference.
- 127.005 Definitions.
- 127.007 Letter of intent.
- 127.009 Letter of recommendation.
- 127.011 LNG waterfront facility inspections.
- 127.013 Suspension of transfer operations.
- 127.015 Appeals.
- 127.017 Alternatives.
- 127.019 *Operations Manual* and *Emergency Manual*: Procedures for examination.

Subpart B—Design and Construction

- 127.101 Design and construction: General.
- 127.103 Piers and wharves.
- 127.105 Marine transfer area layout and spacing.
- 127.107 Electrical power systems.
- 127.109 Lighting systems.
- 127.111 Communications systems.
- 127.113 Warnings signs.

Subpart C—Equipment

- 127.201 Sensing and alarm systems.
- 127.203 Portable gas detectors.
- 127.205 Emergency shutdown.
- 127.207 Warning alarms.

Subpart D—Operations

- 127.301 Persons in charge of shoreside transfer operations: Qualifications and certification.
- 127.303 Compliance with suspension order.
- 127.305 *Operations Manual*.
- 127.307 *Emergency Manual*.
- 127.309 *Operations Manual* and *Emergency Manual*: Use.
- 127.311 Motor vehicles.
- 127.313 Bulk storage.

Sec.

- 127.315 Preliminary transfer inspection.
- 127.317 Declaration of inspection.
- 127.319 LNG transfer.
- 127.321 Release of LNG.

Subpart E—Maintenance

- 127.401 Maintenance: General.
- 127.403 Inspections.
- 127.405 Repairs.
- 127.407 Testing.
- 127.409 Records.

Subpart F—Personnel Training

- 127.501 Training: General.

Subpart G—Firefighting**Fire Equipment**

- 127.601 Fire equipment: General.
- 127.603 Portable fire extinguishers.
- 127.605 Emergency outfits.
- 127.607 Fire main systems.
- 127.609 Dry chemical systems.
- 127.611 International shore connection.

Fire Protection

- 127.613 Smoking.
- 127.615 Fires.
- 127.617 Hotwork.

Subpart H—Security

- 127.701 Security on existing facilities.
- 127.703 Access to the marine transfer area.
- 127.705 Security systems.
- 127.707 Security personnel.
- 127.709 Protective enclosures.
- 127.711 Communications.

Authority: 33 U.S.C. 1231; 49 CFR 1.46(n)(4).

Subpart A—General**§ 127.001 Applicability.**

(a) This part applies to the marine transfer area of new LNG waterfront facilities and to new construction in the marine transfer area of existing LNG waterfront facilities.

(b) Subparts A, D, E, F, and G and § 127.701 apply to the marine transfer area of existing LNG waterfront facilities.

(c) Section 127.007, paragraphs (c), (d), and (e), applies to the marine transfer area of existing structures.

§ 127.003 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found citations to the particular sections of this part where the material is incorporated and the date of the approval by the Director of the Federal Register. To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available. All

approved material is on file at the Office of the Federal Register, Washington, DC 20408, and at the U.S. Coast Guard, Port and Environmental Safety Division, Washington, DC 20593.

(b) The materials approved for incorporation by reference in this part are:

"American National Standards Institute", 1430 Broadway, New York, NY 10018

ANSI B31.3 Chemical Plant and Petroleum Refinery Piping, 1984,
"National Fire Protection Association", Batterymarch Park, Quincy MA 02269

NFPA 10 Standard for Portable Fire Extinguishers, 1984

NFPA 30 Flammable and Combustible Liquids Code, 1984

NFPA 51B Standard for Fire Prevention in Use of Cutting and Welding Processes, 1984

NFPA 59A Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG), 1985

NFPA 70 National Electrical Code, 1984

NFPA 251 Standard Methods of Five Tests of Building Construction and Materials, 1985

§ 127.005 Definitions.

As used in this part:

"Captain of the Port" (COTP) means the Coast Guard officer designated by the Commandant to command a Captain of the Port Zone as described in Part 3 of this chapter, or an authorized representative.

"Commandant" means the Commandant of the U.S. Coast Guard or an authorized representative.

"Control room" means a space within the LNG waterfront facility from which facility operations are controlled.

"District Commander" means the Coast Guard officer designated by the Commandant to command a Coast Guard District as described in Part 3 of this chapter, or an authorized representative.

"Environmentally sensitive areas" includes public parks and recreation areas, wildlife and waterfowl refuges, historic sites, fishing grounds, and other protected areas.

"Existing" means constructed or being constructed under a contract awarded before (insert the effective date of these regulations).

"Fire endurance rating" means the duration for which an assembly or structural unit will contain a fire retain structural integrity when exposed to the temperatures specified in the standard time-temperature curve in NFPA 251.

"Impounding space" means a space formed by dikes and floors that confines a spill of LNG.

"Liquefied natural gas" (LNG) means a liquid or semisolid consisting mostly of methane and small quantities of ethane, propane, nitrogen, or other natural gases.

"Liquefied petroleum gas" (LPG) means a liquid consisting mostly of propane or butane or both.

"Loading flange" means the connection or group of connections in the cargo transfer pipeline on the facility that connects the facility pipeline to the vessel pipeline.

"LNG vessel" means a watercraft constructed or converted to carry LNG in bulk.

"LNG waterfront facility" (facility) means a waterfront facility, as defined in § 126.01, at which LNG transfer operations are conducted.

"Marine transfer area" (area) means that portion between the vessel or where the vessel moors and the last manifold or valve immediately before the receiving tanks.

"Maximum allowable working pressure" (MAWP) means the maximum gauge pressure permissible at the top of equipment, containers, or pressure vessels while operating at design temperature.

"New" means constructed or being constructed under a contract awarded on or after (insert the effective date of these regulations).

"Persons in charge of transfer operations on the vessel" is the person designated the person in charge of cargo transfer under 46 CFR 154.1831.

"Substructure" means the deck of a pier or wharf and the structural components below that deck.

§ 127.007 Letter of intent.

(a) In order to obtain the Coast Guard's views and comments, an owner who intends to build a new LNG waterfront facility or the operator who plans new construction on an existing LNG waterfront facility, must submit a Letter of intent that meets paragraph (d) of this section to the COTP of the zone in which the facility is or will be located, at least 60 days before construction begins.

(b) The owner or operator of an existing facility shall submit a Letter of intent that meets paragraph (d) of this section to the COTP of the zone in which the facility is located by (insert a date 30 days after effective date).

(c) An owner or operator of an existing structure that has not transferred LNG within 12 consecutive months, shall submit a Letter of intent

that meets paragraph (d) of this section to the COTP of the zone in which the facility is located, at least 60 days before transferring LNG.

(d) Each Letter of intent must contain—

(1) The name, address, and telephone number of the owner and operator;

(2) The name, address, and telephone number of the facility;

(3) The physical location of the facility;

(4) A description of the facility;

(5) The LNG vessels' characteristics and the frequency of LNG shipments to or from the facility;

(6) Maps and charts showing waterway channels and identifying commercial, industrial, environmentally sensitive, and residential areas in and adjacent to the waterway within 40.2 kilometers (25 miles) of the facility; and

(7) Information on the following, on or adjacent to the facility:

(i) Depths of the water.

(ii) Tidal range.

(iii) Protection from high seas.

(iv) Natural hazards, including reefs, rocks, and sandbars.

(v) Underwater pipelines and cables.

(vi) Distance of berthed vessel from the channel and the width of the channel.

(e) The owner or operator who submits a Letter of intent under paragraphs (a), (b), or (c), shall notify the COTP in writing within 15 days if—

(1) There is any change in the information submitted under paragraph (d) of this section; or

(2) No LNG transfer operations are scheduled within the next 12 months.

§ 127.009 Letter of recommendation.

After the COTP receives the Letter of intent, the COTP issues a Letter of recommendation to the owner or operator of the facility and to the state and local government agencies having jurisdiction, as to the suitability of the waterway for LNG marine traffic, based on the following factors:

(a) The information submitted under § 127.007 (c)(3) through (c)(7).

(b) Density and character of marine traffic in the waterway.

(c) Locks, bridges, or other man-made obstructions in waterways.

Note.—The Coast Guard is authorized by law to establish water or waterfront safety zones, or other measures for limited, controlled, or conditional access and activity, when necessary for the protection of any vessel, structure, waters, or shore area.

§ 127.011 LNG waterfront facility inspections.

The operator shall ensure that the COTP or his representative is allowed to

make reasonable examinations and inspections to determine whether the facility meets this part.

§ 127.013 Suspension of transfer operations.

(a) The COTP may issue an order to the operator to suspend LNG transfer operations if the COTP finds any condition requiring immediate action to—

(1) Prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) Protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

(b) Each order to suspend transfer operations issued under paragraph (a) of this section—

(1) Is effective immediately;

(2) Contains a statement of each condition requiring immediate action; and

(3) Is withdrawn by the COTP whenever each condition is corrected or no longer exists.

§ 127.015 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard officer responsible for that action.

(b) Except as provided under paragraph (e) of this section, any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may—

(1) Appeal that ruling in writing to the Coast Guard District Commander of the district in which the action was taken; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) The District Commander issues a ruling after reviewing the appeal submitted under paragraph (b) of this section. Except as provided under paragraph (e) of this section, any person not satisfied with this ruling may—

(1) Appeal that ruling in writing to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard, Washington, DC 20593; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(d) The Chief, Office of Marine Environment and Systems issues a ruling after reviewing the appeal submitted under paragraph (c) of this section, which is final agency action.

(e) If the delay in presenting a written appeal has an adverse impact on the

operations of the appellant, the appeal under paragraph (b) or (c) of this section—

(1) May be presented orally; and

(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and

(ii) To the same Coast Guard official who heard the oral presentation.

§ 127.017 Alternatives.

(a) The COTP may allow alternative procedures, methods, or equipment standards to be used by an operator instead of any requirements in this part if—

(1) The operator submits a written request for the alternative at least 30 days before facility operations under the alternative would begin, unless the COTP authorizes a shorter time; and

(2) The alternative provides at least the same degree of safety provided by the regulations in this part.

(b) The COTP approves or disapproves any alternative requested under paragraph (a) of this section—

(1) In writing; or

(2) Orally with subsequent written confirmation.

§ 127.019 Operations Manual and Emergency Manual: Procedures for examination.

(a) The owner or operator of an existing facility shall submit two copies of the *Operations Manual* and of the *Emergency Manual* by (insert a date that is 30 days after the effective date of these regulations) to the Captain of the Port of the zone in which the facility is located.

(b) The owner or operator of a new facility shall submit two copies of the *Operations Manual* and of the *Emergency Manual* at least 30 days before the first LNG transfer, to the Captain of the Port of the zone in which the facility is located.

(c) If the COTP finds that the *Operations Manual* meets § 127.305 and the *Emergency Manual* meets § 127.307, the Captain of the Port returns a copy to the owner or operator marked "Examined by the Coast Guard".

(d) If the COTP finds that the *Operations Manual* or the *Emergency Manual* does not meet this part, the Captain of the Port returns the manual with a statement of the reasons why it does not.

Subpart B—Design and Construction**§ 127.101 Design and construction: General.**

The area must meet the following criteria in NFPA 59A:

- (a) Chapter 2, Sections 2-1.2 and 2-3.
- (b) Chapter 6.
- (c) Chapter 7, Sections 7-6 and 7-7.
- (d) Chapter 8, except Sections 8-3, 8-5 and 8-7.2.

§ 127.103 Piers and wharves.

(a) If the facility is in a region subject to earthquakes, the piers and wharves in the area must be designed to resist earthquake forces.

(b) Substructures, except moorings and breasting dolphins, that support or are within 5 meters (16 feet) of any pipe or equipment containing LNG, or are within 15 meters (50 ft) of a loading flange, must—

- (1) Be made of concrete or steel; and
- (2) Have a fire endurance rating of not less than two hours.

(c) Direct combustion heating equipment must be more than 60 meters (200 feet) from any loading flange.

(d) LNG or LPG storage tanks located in the area must have a volume of 1.9 cubic meters (500 gallons) or less and be designed for—

- (1) Surge protection; or
- (2) Pump suction supply.

§ 127.105 Marine transfer area layout and spacing.

(a) LNG impounding spaces must be located so that the heat flux from a fire over the impounding spaces does not cause structural damage to an LNG vessel moored or berthed at the facility.

(b) Each LNG loading flange must be located at least 300 meters (983 feet) from the following which are primarily intended for the use of the general public or railways:

- (1) Each bridge crossing a navigable waterway.
- (2) Each entrance to any tunnel under a navigable waterway.

§ 127.107 Electrical power systems.

(a) The area must have a power system and a separate emergency power system, which function so that failure of one system does not affect the capability of the other system. Each system must meet the National Electrical Code, NFPA 70.

(b) The emergency power system must provide enough power of the operation of the—

- (1) Control room;
- (2) Communications equipment;
- (3) Firefighting equipment; and
- (4) Emergency lighting.

(c) If an auxiliary generator is used as an emergency power source, it must meet Section 700-12 of NFPA 70.

(d) Fixed electrical equipment and wiring within 5 meters (16 feet) of any LNG loading flange must meet the requirements of NFPA 70 for installation in Class I, Division 2, Group D hazardous locations.

(e) Fixed electrical equipment and wiring more than 5 meters (16 feet) from any LNG loading flange must meet Chapter 7 of NFPA 59A.

§ 127.109 Lighting systems.

(a) The area must have a lighting system and a separate emergency lighting system.

(b) All outdoor lighting in the area must be—

- (1) Explosion-proof as described in 46 CFR 111.105-9; and

(2) Located or shielded so that it is not confused with any aids to navigation and does not interfere with navigation on the adjacent waterways.

(c) The lighting system must provide an average illumination on a horizontal plane one meter (3.3 feet) above the deck that is—

- (1) 54 lux (five foot-candles) at any loading flange; and

(2) 11 lux (one foot-candle) at each work area.

(d) The emergency lighting system must provide lighting for the operation of the—

- (1) control room;
- (2) communications equipment; and
- (3) firefighting equipment.

§ 127.111 Communications systems.

(a) The area must have a ship-to-shore communication system and a separate emergency ship-to-shore communication system.

(b) Each ship-to-shore communication system must be a dedicated system that—

- (1) is intrinsically safe as described in 46 CFR 111.105-11(a);

(2) meets the requirements in 46 CFR 111.105-15; and

(3) allows voice communication between the person in charge of transfer operations on the vessel, the person in charge of shoreside transfer operations, and personnel in the control room.

§ 127.113 Warning signs.

(a) The area must have warning signs that—

- (1) meet paragraph (b) of this section;
- (2) can be seen from the shore and the water; and

(3) have the following text:

Warning
Dangerous Cargo
No Visitors

No Smoking
No Open Lights

(b) Each letter in the words on the sign must be—

- (1) Block style;
- (2) Black on a white background; and
- (3) 7.6 centimeters (3 inches) high.

Subpart C—Equipment**§ 127.201 Sensing and alarm systems.**

(a) Fixed sensors must have audio and visual alarms in the control room and audio alarms where the sensors are located.

(b) Fixed sensors that continuously monitor for LNG must—

- (1) Be in each enclosed area where vapor or gas may accumulate; and
- (2) Meet section 9-4 of NFPA 59A.

(c) Fixed sensors that continuously monitor for flame, heat, or products of combustion must—

- (1) Be in each location described in section 500-4 of NFPA 70 and each area in which flammable or combustible material is stored; and

(2) Meet Section 9-4 of NFPA 59A.

§ 127.203 Portable gas detectors.

The area must have at least two portable gas detectors capable of measuring 0-100% of the lower flammable limit of methane.

§ 127.205 Emergency shutdown.

Each transfer system must have an emergency shutdown system that—

- (a) Can be activated manually; and
- (b) Is activated automatically when LNG concentrations in the area exceed 40% of the lower flammable limit.

§ 127.207 Warning alarms.

(a) The area must have a rotating or flashing amber light with a minimum effective flash intensity, in the horizontal plane, of 5000 candelas. At least 50% of the required effective flash intensity must be maintained in all directions from 1.0 degree above to 1.0 degree below the horizontal plane.

(b) The area must have a siren with a minimum 1/3-octave band sound pressure level at 1 meter of 125 decibels referenced to 0.0002 microbars. The siren must be located in the area so that the sound signal produced is audible over 360 degrees in a horizontal plane.

(c) Each light and siren must be located so that the warning alarm is not obstructed for a distance of 1.6 km (1 mile) in all directions.

Subpart D—Operations**§ 127.301 Persons in charge of shoreside transfer operations: Qualifications and certification.**

(a) No person may serve, and the operator of the facility may not use the services of any person, as a person in charge of shoreside transfer operations, unless that person—

- (1) Has at least 48 hours of LNG transfer experience at any facility;
- (2) Knows the hazards of LNG;
- (3) Knows the rules of this subpart; and
- (4) Knows the procedures in the examined *Operations Manual* and the examined *Emergency Manual*.

(b) Before a person in charge of shoreside transfer operations supervises a transfer, the operator shall certify in writing that the criteria in paragraph (a) of this section are met. The operator shall maintain a copy of each current certification available for inspection at the facility.

§ 127.303 Compliance with suspension order.

If an order to suspend is given to the operator or owner of the facility, no LNG transfer operations may be conducted at the facility until the order is withdrawn by the COTP.

§ 127.305 Operations Manual.

Each *Operations Manual* must contain—

- (a) A description of the transfer system in the area including mooring areas, transfer connections, control rooms, and diagrams of the piping and electrical systems;
- (b) The duties of each person assigned for transfer operations;
- (c) The maximum relief valve setting or maximum allowable working pressure of the transfer system;
- (d) The facility telephone numbers of facility supervisors, persons in charge of shoreside transfer operations, personnel on watch in the area, and security personnel;
- (e) A description of the security systems for the area;
- (f) The procedures for—
 - (1) Transfer operations including gauging, cool down, pumping, venting, and shutdown;
 - (2) Transfer operations start-up and shutdown;
 - (3) Security violations; and
 - (4) The communications systems; and
- (g) A description of the training programs established under § 127.501.

§ 127.307 Emergency Manual.

Each *Emergency Manual* must contain—

- (a) LNG release response procedures, including contacting local response organizations;
- (b) Emergency shutdown procedures;
- (c) A description of the fire equipment and systems and their operating procedures;
- (d) A description of the emergency lighting and emergency power systems;
- (e) The telephone numbers of local Coast Guard units, hospitals, fire departments, police departments, and other emergency response organizations;
- (f) If the facility has personnel shelters, the location of and provisions in each shelter;
- (g) First aid procedures and if there are first aid stations, the locations of each station; and
- (h) Emergency procedures for mooring and unmooring a vessel.

§ 127.309 Operations Manual and Emergency Manual: Use.

The operator shall ensure that—

- (a) LNG transfer operations are not conducted unless the facility has an examined *Operations Manual* and examined *Emergency Manual*;
- (b) Each transfer operation is conducted in accordance with the examined *Operations Manual*; and
- (c) Each emergency response is in accordance with the examined *Emergency Manual*.

§ 127.311 Motor vehicles.

- (a) The operator shall designate and mark parking spaces that—
 - (1) Do not block fire lanes;
 - (2) Do not impede any exits;
 - (3) Are not located in any impounding space; and
 - (4) Are not within 15 meters (50 ft) of any storage tank or loading flange.
- (b) No person may stop or park a motor vehicle in a space in the area unless that space is designated a parking space.
- (c) No person may refuel any motor vehicle in the area.

§ 127.313 Bulk storage.

- (a) The operator shall ensure that only the following is stored in the area:
 - (1) LNG.
 - (2) LPG.
 - (3) Vessel fuel.
 - (4) Oily waste from vessels.
 - (5) Solvents, lubricants, paints, and other fuels in the amount used for one day's operations and maintenance.
- (b) Flammable liquids must be stored in accordance with Chapter 4 of NFPA 30.

§ 127.315 Preliminary transfer inspection.

Before transferring LNG, the person in charge of shoreside transfer operations shall—

- (a) Inspect the transfer piping and equipment in the area and replace any worn or inoperable parts;
- (b) For each of the vessel's cargo tanks from which cargo will be transferred, note the pressure, temperature, density, and volume to ensure they are safe for transfer;
- (c) Review and agree with the person in charge of cargo transfer on the vessel to—
 - (1) The sequence of transfer operations;
 - (2) The transfer rate;
 - (3) The duties, location, and watches of each person assigned for transfer operations; and
 - (4) Emergency procedures from the examined *Emergency Manual*;
- (d) Ensure that transfer connections allow the vessel to move to the limits of its moorings without placing strain on the loading arm or transfer piping system;
- (e) Ensure that each part of the transfer system is aligned to allow the flow of LNG to the desired location;
- (f) Ensure that warning signs are displayed that meet § 127.113;
- (g) Eliminate all ignition sources in the area;
- (h) Ensure that personnel are on duty in accordance with the examined *Operations Manual*; and
- (i) Test the following to determine that they are operable:
 - (1) The sensing and alarm systems under § 127.201.
 - (2) The emergency shutdown under § 127.205.
 - (3) The communication systems under § 127.111.

§ 127.317 Declaration of inspection.

- (a) After the preliminary transfer inspection under § 127.315 has been satisfactorily completed, the person in charge of shoreside transfer operations shall ensure that no person transfers LNG until a Declaration of Inspection that meets paragraph (c) of this section is executed and signed in duplicate.
- (b) The person in charge of shoreside transfer operations shall give one signed copy of the Declaration of Inspection to the person in charge of transfer operations on the vessel, and shall retain one signed copy at the facility for 30 days after completion of the transfer.
- (c) Each Declaration of Inspection must contain—
 - (1) The name of the vessel and the facility;
 - (2) The date and time that transfer operations began;
 - (3) A list of the requirements in § 127.315 with the initials of the person in charge of shoreside transfer

operations after each requirement, indicating that the requirement is met;

(4) The signature of the person in charge of shoreside transfer operations and the date and time of signing, indicating that he or she is ready to begin transfer operations; and

(5) The signature of each relief person in charge and the date and time of each relief.

§127.319 LNG transfer.

During the LNG transfer operations, the following must be met:

(a) The operator of the facility shall ensure that—

(1) The area is under the supervision of a person in charge, who has no other assigned duties during the transfer operation;

(2) Personnel transferring fuel or oily waste are not involved in LNG transfer; and

(3) No vessels are moored outboard of any LNG vessel.

(b) The person in charge of shoreside transfer operations shall—

(1) Be in continuous communication with the person in charge of transfer operations on the vessel;

(2) Ensure that an inspection of the transfer piping and equipment in the area for leaks, frost, defects, and other symptoms of safety and operational problems is conducted at least once every transfer.

(3) Immediately discontinue transfer operations during—

(i) Electrical storms;

(ii) Fires in the area; and

(iii) Uncontrolled fires within 4.8 kilometers (3 miles) of the periphery of the area; and

(4) Ensure that the lighting systems under § 127.109 are turned on between sunset and sunrise.

Note.—Vessel transfer requirements are published in 46 CFR Part 154.

§127.321 Release of LNG.

(a) The operator of the facility shall ensure that—

(1) No person releases LNG into the navigable waters of the United States; and

(2) If there is an accidental release of LNG, vessels near the facility are notified of the release by the sounding of warning alarms.

(b) If there is an accidental release of LNG, the person in charge of shoreside transfer operations shall—

(1) Immediately notify the person in charge of cargo transfer on the vessel of the intent to shutdown;

(2) Shutdown transfer operations;

(3) Notify the COTP of the release; and

(4) Not resume transfer operations until authorized by the COTP.

Subpart E—Maintenance

§127.401 Maintenance: General.

The operator of the facility shall ensure that the equipment required under this part is maintained in a safe condition so that it does not cause a release or ignition of LNG.

§127.403 Inspections.

The operator shall conduct a visual inspection for defects of each pressure-relief device not capable of being tested, at least once every 12 months, and make all necessary repairs.

§127.405 Repairs.

The operator shall ensure that—

(a) Equipment repairs are made so that—

(1) The equipment continues to meet the requirements in subparts B, C, G, and H of this part and in NFPA 59A; and

(2) Safety in the area is not compromised; and

(b) Welding is done in accordance with NFPA 51B and NFPA 59A, Chapter 6, Section 6-3.4.

§127.407 Testing.

(a) The operator shall pressure test under paragraph (b) of this section the transfer system, including piping, hoses, and loading arms, and verify the set pressure of the safety and relief valves—

(1) After they are altered;

(2) After they are repaired;

(3) After any increase in the MAWP;

or

(4) At least once every 12 months.

(b) The pressure for the transfer system test under paragraph (a) must be at 1 and ½ times the MAWP and be held for a minimum of 30 minutes.

§127.409 Records.

(a) The operator shall keep on file the following information:

(1) A description of the components tested under § 127.407.

(2) The date and results of the test under paragraph (a).

(3) A description of any corrective action taken after the test.

(b) The information required by this section must be retained for 24 months.

Subpart F—Personnel Training

§127.501 Training: General

The operator shall ensure that each of the following is met by (insert a date 180 days after effective date) or before the employee begins assigned duties:

(a) All full-time employees have at least the following training:

(1) LNG firefighting procedures.

(2) LNG properties and hazards.

(b) In addition to the training under paragraph (a) of this section, each person assigned for transfer operations has the following training:

(1) Orientation on the examined *Operations Manual* and examined *Emergency Manual*.

(2) LNG firefighting strategies and tactics.

(3) Security procedures.

(4) LNG vessel orientation.

(5) LNG release response procedures.

(6) First aid for—

(i) Treatment of frostbite;

(ii) Treatment of burns;

(iii) Cardio-pulmonary resuscitation;

and

(iv) Transportation injured personnel.

(c) The personnel who received training under paragraphs (a) and (b) receive refresher training in the same subjects at least once every five years.

Subpart G—Firefighting

Fire Equipment

§127.601 Fire equipment: General.

(a) Fire equipment and systems in the area provided in addition to the requirements in this subpart must meet the requirements of this subpart.

(b) The following must be red or some other conspicuous color and be in locations that are readily accessible:

(1) Hydrants and standpipes.

(2) Hose stations.

(3) Portable fire extinguishers.

(4) Fire monitors.

(c) Fire equipment, if applicable, must bear the approval of Underwriters Laboratories, Inc., the Factory Mutual Research Corp., or the Coast Guard.

§127.603 Portable fire extinguishers.

Each area must have—

(a) Portable fire extinguishers that meet 9-6.1 of NFPA 59A and Chapter 3 of NFPA 10; and

(b) At least one portable fire extinguisher in each designated parking area.

§127.605 Emergency outfits.

(a) Each area must have an emergency outfit for each person in the area whose duties include fighting fires; but, there must be at least two emergency outfits in the area. Each emergency outfit must include—

(1) One explosion-proof flashlight;

(2) Boots and gloves of rubber or other electrically nonconducting material;

(3) A rigid helmet that protects the head against impact;

(4) Water resistant clothing that also protects the body against fire; and

(5) U.S. Bureau of Mines approved self-contained breathing apparatus.

(b) Emergency outfits under paragraph (a) of this section must be in locations that are readily accessible and marked for easy recognition.

§ 127.607 Fire main systems.

(a) Each area must have a fire main system that provides at least two water streams to each part of the area, one of which must be from a single length of hose or from a fire monitor.

(b) The fire main must have at least one isolation valve at each branch connection and at least one isolation valve downstream of each branch connection to isolate damaged sections.

(c) The fire main system must have the capacity to supply—

(1) Simultaneously all fire hydrants, standpipes, and fire monitors in the system; and

(2) At a Pitot tube pressure of 618 kilonewtons per square meter (75 p.s.i.) the two outlets having the greatest pressure drop between the source of water and the hose or monitor nozzle.

(d) If the source of water for the fire main system is capable of supplying a pressure greater than the system's design working pressure, the system must have at least one pressure relief device.

(e) Each fire hydrant or standpipe must have at least one length of hose of sufficient length to meet paragraph (a) of this section.

(f) Each length of hose must—

(1) Be 1½ inches in diameter and 30.5 meters (100 feet) or less in length;

(2) Be on a hose rack or reel; and

(3) Have a Coast Guard approved combination solid stream and water spray fire hose nozzle.

§ 127.609 Dry chemical systems.

(a) Each area must have a dry chemical system. This system must provide at least two dry chemical discharges to each part of the area from separate hoses or monitors, except one of the dry chemical discharges for the

area surrounding the loading flange must be—

(1) From a monitor; and

(2) Actuated and, except for pre-aimed monitors, controlled from a location other than the monitor location.

(b) The dry chemical system must have the capacity to supply simultaneously or sequentially all hoses or monitors in the system for 45 seconds.

(c) Each dry chemical hose station must have one length of hose that—

(1) Is 30.5 meters (100 feet) or less in length;

(2) Is on a hose rack or reel; and

(3) Has a nozzle with a valve that starts and stops the flow of dry chemical.

§ 127.611 International shore connection.

The area must have a Coast Guard approved international shore connection, a 2½ inch fire hydrant, and sufficient 2½ inch hose to connect the fire hydrant to the international shore connection on the vessel.

Fire Protection

§ 127.613 Smoking.

The operator shall ensure that no person smokes when there is LNG in the area.

§ 127.615 Fires.

The operator shall ensure that there are no fires when there is LNG in the area.

§ 127.617 Hotwork.

The operator shall ensure that no person conducts welding, torch cutting, or other hotwork unless that person has a permit from the COTP.

Subpart H—Security

§ 127.701 Security on existing facilities.

The operator shall ensure that any security procedure and arrangement on existing facilities, that were in use when LNG transfer operations were last conducted, be continued and maintained, or upgraded, whenever LNG transfer operations are conducted.

§ 127.703 Access to the marine transfer area.

The operator shall ensure that—

(a) Access to the area from the shoreside and the waterside is limited to Coast Guard personnel, personnel who work in the area including persons assigned for transfer operations, vessel personnel, and delivery and service personnel in the course of their business; and

(b) No person is allowed into the area unless that person is identified by a facility-issued identification card or other identification card displaying his or her photograph.

§ 127.705 Security systems.

The operator shall ensure that security patrols of the area are conducted once every hour, or that a manned television monitoring system is used, to detect—

(a) Unauthorized personnel;

(b) Fires; and

(c) LNG releases.

§ 127.707 Security personnel.

The operator shall ensure that no person is assigned security patrol duty unless that person has been instructed on security violation procedures.

§ 127.709 Protective enclosures.

The following must be within a fence or wall that prevents trespassing:

(a) Impounding spaces.

(b) Control rooms and stations.

(c) Power sources.

§ 127.711 Communications.

The area must have a means of direct communications between the security patrol and other operating or security personnel on duty on the facility.

Dated: April 28, 1986.

J.H. Parent,

Captain, U.S. Coast Guard, Acting Chief,
Office of Marine Environment and Systems.
[FR Doc. 86-11008 Filed 5-15-86; 8:45 am]

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May 16, 1986

Part VII

Department of Commerce

Patent and Trademark Office

37 CFR Parts 1 and 2

Revision of Trademark Fees; Notice of Proposed Rulemaking

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 60457-6057]

Revision of Trademark Fees

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Patent and Trademark Office proposes to amend the rules of practice in patent and trademark cases, Parts 1 and 2 of title 37, Code of Federal Regulations, to adjust trademark fee amounts. This action is necessary at this time because trademark operating costs have increased over the past three and one-half years. The Commissioner is authorized by section 31 of the Trademark (Lanham) Act of 1946, as amended (15 U.S.C. 1113), to establish fees for the filing and processing of an application for the registration of a trademark or other mark and for all other services and materials related to trademarks and other marks.

DATES: Comments must be submitted on or before June 16, 1986; a public hearing will be held on June 16, 1986, at 9:00 a.m. Requests to present oral testimony should be received on or before June 12, 1986.

ADDRESSES: Address written comments and requests to present oral testimony to the Assistant Secretary and Commissioner of Patents and Trademarks, Washington, DC 20231. Attention: Margaret M. Laurence, Room CP3-11C17. The hearing will be held in Room 11C24, on the 11th floor of Building 3, Crystal Plaza, located at 2021 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11C17 of Building 3, Crystal Plaza at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Margaret M. Laurence, Assistant Commissioner for Trademarks by telephone at (703) 557-3061 or by-mail marked to her attention and addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: This proposed rule change is designed primarily to adjust trademark fees because costs have increased and the Commissioner is authorized to adjust fees for the filing and processing of an application for the registration of a trademark or other mark for all other processing, services or materials related

to trademarks which have been established by the Commissioner in accordance with section 31 of the Trademark (Lanham) Act of 1946, as amended (15 U.S.C. 1113).

Adjustments to fees for filing and processing a patent application and for other processing, services or materials related to patents were made by rules published in the *Federal Register* on August 6, 1985, at 50 FR 31818, effective October 5, 1985.

Adjustments to fees for filing and processing a trademark application and for other processing, services or materials related to trademarks were not proposed at that time, pending review of automation cost requirements. The Patent and Trademark Office's proposal for an integrated Automated Trademark System was included in the President's FY 1987 Budget and the Office's revised Automation Master Plan that were submitted to the Congress in February 1986.

Background Information

Trademark fees are authorized by section 31 of the Trademark (Lanham) Act of 1946, as amended (15 U.S.C. 1113). Section 31 grants the Commissioner the authority to establish trademark fees and the discretion to establish the level of Office costs to be recovered from trademark fees. The House Committee on the Judiciary, in House Report 97-542 accompanying H.R. 6260 that was enacted as Pub. L. 97-247, recommended a trademark fee schedule that was adopted by rule published in the *Federal Register* on July 30, 1982 at 47 FR 33086, effective October 1, 1982.

In House Report 97-542, the Committee stated that:

"... [it] is aware of the concerns of users of the Trademark registration system, however, and intends to exercise vigorous oversight with respect to the Commissioner to ensure that fees remain at a reasonable level and that trademark registrations are processed in an efficient and cost effective manner. As part of this oversight, the Committee recommends the following fee structure to the Commissioner for Fiscal Year 1983.

Type of fee:

Application filing fee per class.....	\$175
Renewal fee.....	300
Late renewal.....	100
Section 12(c) claim.....	100
New certificate.....	100
Certificate of correction.....	100
Disclaimer to registration.....	100
Amendment to registration.....	100
Per class combines section 8 and 15 affidavit.....	200
Per class section 8 affidavit alone.....	100

Per class section 15 affidavit alone....	100
All petitions to Commissioner.....	100
Cancellation opposition per class.....	200
TTAB appeal.....	100
Certified copies.....	10
Copies of trademarks.....	1
Assignments.....	(1)

* 100 plus for each mark in addition to 1."

In addition, the Patent and Trademark Office (PTO) feels it is reasonable to adjust trademark fees to reflect, in the aggregate, fluctuations in the Consumer Price Index (CPI) during the previous three years. This would enable PTO to define the maximum revenue level that may be recovered from trademark fees for the three-year period 1986-1988. This is consistent with the method mandated by Pub. L. 97-247 for adjusting patent fees.

The first step in the trademark fee adjustment process was to determine the maximum level of recovery for the three-year fee cycle. This was done by: (1) Multiplying present fees by projected workload for fiscal years 1986-1988, (2) totalling the results, and (3) applying the rate of fluctuation in the Consumer Price Index as determined by the Secretary of Labor.

The second step in the trademark fee adjustment process was to establish the total cost to be recovered from trademark fees for the three year period 1986-1988. The total costs for the filing and processing of an application for the registration of a trademark or other mark and for all other processing, services or materials related to trademarks were determined. The Office followed: (1) The general guidelines set forth in OMB Circular A-25 entitled "User Charges", that establishes general policies for developing an equitable and uniform system of charges for certain Government services and property, and (2) the guidelines for accounting and reimbursement for sharing of information technology facilities as set forth in Appendix II to OMB Circular No. A-130 entitled "Management of Federal Information Resources."

The Office used cost-finding techniques for determining the costs of all processing, services and/or materials associated with each trademark fee. Costs were determined from the best available records and included both direct and indirect costs. Costs were adjusted to reflect projected increases or decreases contained in the President's FY 1987 Budget. These cost figures were documented by the Director, Office of Finance and reviewed by each responsible Assistant Commissioner.

The total projected costs for the three-year period 1986-1988 are lower than the maximum level of recovery which would be allowed if fees were adjusted strictly according to changes in the CPI during the past three years. In its adjustment of Trademark fees, PTO seeks to recover total projected costs in FY 1987 and FY 1988 and to provide for a contingency of two percent of the estimated fee income for fiscal years 1987-1988. PTO seeks comment on this approach.

This proposed rulemaking would continue to follow the suggested fee schedule contained in House Report 97-542, with the exception of proposed increases to the fee for filing an application for registration and the fee for a printed copy of a registered mark. As a result of continuing to follow this suggested fee schedule, over the two-year period, some trademark fees would recover more than their actual estimated cost and some would recover less than their actual estimated cost. Using the 1986-1988 workload projections, the total fee revenues generated by the proposed fees for the three-year period, in the aggregate, would not exceed the total projected costs for trademarks for the same period, apart from the contingency.

It is intended that the amount of any fee due and payable on or after October 1, 1986 is the amount set in this rulemaking. For purposes of determining the amount of the fee to be paid, the date of mailing indicated on a proper Certificate of Mailing, where authorized under section 1.8 of title 37, Code of Federal Regulations, will be considered to be the date of receipt in the Office. A "Certificate of Mailing under section 1.8" is *not* "proper" for items which are specifically excluded from the provisions of section 1.8. Section 1.8 of title 37, Code of Federal Regulations, should be consulted for those items for which a Certificate of Mailing is *not* "proper." The provisions of section 1.10, relating to filing of papers and fees by "Express Mail" with certificate, however do apply to *any paper or fee* to be filed in the Office. If an application or fee is filed by "Express Mail" with a certificate of mailing dated October 1, 1986, the amount of the fee to be paid is the fee established herein if a change is being made in the fee.

To ensure clarity in the implementation of the fee proposals, a discussion of specific sections is set forth below:

Discussion of Specific Changes

Section 1.24 Coupons

Section 1.24, if amended as proposed, would adjust the fee for the purchase of

coupons for trademarks to make it comparable to the proposed fee required for the purchase of a printed copy of a registered mark.

Section 2.6 Trademark fees

Section 2.6, if amended as proposed, would adjust trademark fees established pursuant to the Trademark (Lanham) Act of 1946, as amended (15 U.S.C. 1113) and set forth in paragraphs (a) and (n) of this section to more closely reflect the cost to the Office of such processing.

Section 2.6, paragraph (o) if amended as proposed, would provide a \$25 fee for the expedited handling of a request for a certified copy of a trademark record. Currently there is no procedure for such expedited handling, and the Office has received many requests that this service be provided.

Section 2.6 paragraph (g), if amended as proposed, would clarify that the fee for recording documents applies to every paper which relates to the property in a registration or application. This is in accord with past and current Office policy.

Other Considerations

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96-354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. There are no information collection requirements relating to trademark fee rules.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the proposed rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354) because Office records show no decline in the number of applications filed by individuals and partnerships after the October 1, 1982 fee increases, and the proposed rules would maintain the present fee schedule for the most part, and limit the increase in the filing fee to the minimum amount possible.

The Patent and Trademark Office has determined that this proposed rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than \$100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 37 CFR Parts 1 and 2

Administrative practice and procedure, Authority delegations (government agencies), Conflict of interest, Courts, Inventions and patents, Lawyers, Trademarks.

Notice is hereby given that pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, 15 U.S.C. 1113 and 1123, and Pub. L. 97-247, the Patent and Trademark Office is proposing to amend title 37 of the Code of Federal Regulations as set forth. All proposed additions are printed between arrows and all deletions are shown between brackets.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 would continue to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.24 is proposed to be revised to read as follows:

§ 1.24 Coupons.

Coupons in denominations of [one dollar for the purchase of trademark registrations and] one dollar and fifty cents for the purchase of patents, designs, defensive publications, [and] statutory invention registrations, and trademark registrations are sold by the Patent and Trademark Office for the convenience of the general public; these coupons may not be used for any other purpose. The [one dollar coupons are sold individually and in books of 50 with stubs for record for \$50 and the] one dollar and fifty cent coupons are sold individually and in books of 50 with stubs for record for \$75. These coupons are good until used; they may be transferred but cannot be redeemed.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for 37 CFR Part 2 would be revised to read as follows:

Authority: 15 U.S.C. 1123; 35 U.S.C. 6, 25, unless otherwise noted.

2. Section 2.6 is proposed to be amended by revising paragraphs (a), (n), (o) and (q).

§ 2.6 Trademark fees.

The following fees and charges are established by the Patent and Trademark Office for trademark cases:

(a) For filing an application, per class... [\$175.00] ▶\$200.00◀

(n) For printed copy of registered mark Copy only.....	[\$1.00]	►\$1.50◄
(o) For certifying trademark records, per certificate.....		\$3.50
► For expedited handling of such certification, per record requested.....		\$25.00◄
(q) For recording trademark assignments► and agreements or other papers relating to the property in a registration or application◄, per document.....		\$100.00

(35 U.S.C. 6; 15 U.S.C. 1113, 1123)

Dated: March 26, 1986.

Donald J. Quigg,

*Assistant Secretary and Commissioner of
Patents and Trademarks.*

[FR Doc. 86-11193 Filed 5-15-86; 8:45 am]

BILLING CODE 3510-16-M

Friday
May 16, 1986

Executive Order

Part VIII

The President

Imports From the European Economic
Community; Memorandum to the United
States Trade Representative and
Proclamation 5478

Presidential Documents

Tile 3—

The President

Memorandum of May 15, 1986

Determination Under Section 301 of the Trade Act of 1974

Memorandum for the United States Trade Representative

Pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411), I have determined that the quantitative restrictions on oilseeds, oilseed products and grains in Portugal and the uncompensated withdrawal of tariff concessions on corn and sorghum in Spain deny benefits to the United States arising under the General Agreement on Tariffs and Trade (GATT), are unreasonable, and constitute a burden and restriction on U.S. commerce. Pursuant to Section 301 of the Trade Act, I have determined, in response to the EEC's quantitative restrictions in Portugal, to proclaim certain quantitative restrictions on products of the European Economic Community. I have further determined, in response to the EEC's withdrawal of tariff concessions on corn and sorghum in Spain, to suspend United States tariff concessions on certain products, although current rates of duty will be maintained for the time being, pending efforts to negotiate suitable compensation. I am taking these actions to enforce U.S. rights and to respond to the EEC practices in question.

Reasons for Determination

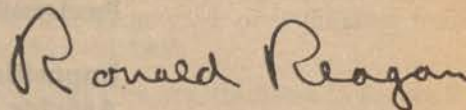
As part of the arrangements for the accession of Portugal and Spain to the EEC, the EEC: (1) has imposed restrictions on the importation into Portugal of oilseeds and oilseed products and on the consumption of vegetable oils (other than olive oil) in Portugal; (2) has required that a specified portion of Portuguese imports of grains be reserved for suppliers from other member countries of the EEC; and (3) has withdrawn Spanish tariff concessions and imposed variable levies on imports of corn and sorghum. These EEC actions apply from March 1, 1986. The average annual value of U.S. exports affected by the EEC actions exceeded a billion dollars in the 1981-1983 period.

In discussions with the EEC, we have sought the removal of the restrictions in Portugal, which we consider to be inconsistent with the General Agreement on Tariffs and Trade (GATT). We are also seeking, in accordance with our rights under GATT, appropriate compensation from the EEC for the tariff and variable levy actions in Spain.

On March 31, 1986, I announced that I would impose restrictions on imports of EEC products of comparable effect to the EEC's restrictions in Portugal unless and until we were able to resolve these matters. Efforts to obtain a satisfactory resolution have not yet been successful. I also announced that, in response to the EEC's tariff and levy actions in Spain, I would withdraw U.S. tariff commitments in GATT on certain products, but would maintain the current level of tariffs in order to allow until July 1 for expedited negotiation of agreed compensation from the EEC. I will proclaim increased duties as appropriate if such agreement is not possible. To the degree those negotiations are successful, I will restore concessions.

I am taking these actions to enforce U.S. trade rights on important export interests. I would strongly prefer a solution that would restore and encourage trade for all parties, and we will continue negotiating efforts toward this goal.

This determination shall be published in the **Federal Register**.



THE WHITE HOUSE,
Washington, May 15, 1986.

[FR Doc. 86-11274

Filed 5-15-86; 11:46 am]

Billing code 3195-01-M

Presidential Documents

Proclamation 5478 of May 15, 1986

Imposition of Quantitative Restrictions on Imports of Certain Articles From the European Economic Community

By the President of the United States of America

A Proclamation

1. On March 31, 1986, I announced my decision to take action in response to restrictions imposed by the European Economic Community (EEC) affecting imports of United States grain and oilseeds into Spain and Portugal, following the expansion of the EEC to include those two countries. I have determined, pursuant to Section 301(a) of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2411(a)), that these restrictions deny benefits to the United States arising under the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pts. 5 and 6)), are unreasonable, and constitute a burden and restriction on United States commerce.
2. Section 301(a) of the Act (19 U.S.C. 2411(a)) authorizes the President to take all appropriate and feasible action to obtain the elimination of an act, policy, or practice of a foreign government or instrumentality that 1) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement; or 2) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce. Section 301(b) of the Act (19 U.S.C. 2411(b)) also authorizes the President to suspend, withdraw, or prevent the application of benefits of trade agreement concessions with respect to, and to impose duties or other import restrictions on the products of, such foreign government or instrumentality. Pursuant to Section 301(a) of the Act, any such actions can be taken on a discriminatory basis solely against the foreign government or instrumentality involved. Section 301(d)(1) of the Act (19 U.S.C. 2411(d)(1)) authorizes the President to take action on his own motion.
3. In response to the EEC imposition of illegal restrictions on Portuguese imports of grain, oilseeds, and oilseed products, I have decided that expeditious action is required, and, pursuant to Section 301 (a), (b), and (d)(1) of the Act, to impose quantitative restrictions on the articles provided for in Annex I to this proclamation that are the product of the EEC.
4. In response to the withdrawal of tariff concessions and the application of the EEC variable levy on Spanish imports of corn and sorghum, I have further decided, pursuant to Section 301 (a), (b), and (d)(1) of the Act, to take steps to suspend temporarily the tariff concessions made by the United States under the GATT on articles described in Annex II to this proclamation, but to make no immediate change in the rates of duty for these articles set forth in Rate of Duty Column 1 of the Tariff Schedules of the United States (TSUS). If by July 1, 1986, the EEC provides adequate compensation for the imposition of variable levies on imports of corn and sorghum into Spain, or if it is determined that other circumstances so warrant, I am authorizing the United States Trade Representative (USTR) to terminate any of these suspensions as appropriate. If such compensation is not provided, I will proclaim increased duties on these articles as appropriate. Having due regard for the international obligations of the United States, particularly paragraph 3 of Article XXVIII of the GATT requiring any suspension of trade agreement concessions to be made on a most-favored-nation basis, any duty increase on these articles will be made on a most-favored-nation basis.

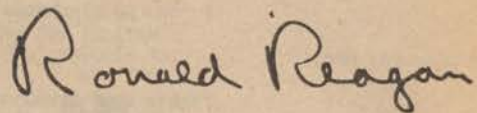
NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to Section 301 (a), (b), and (d)(1) and Section 604 of the Act (19 U.S.C. 2483), do proclaim that:

1. Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States is modified as provided in Annex I to this proclamation. These changes shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after May 19, 1986.

2. The tariff concessions under the GATT on articles listed in Annex II to this proclamation are suspended, effective on the thirty-first day following notification to the Contracting Parties to the General Agreement on Tariffs and Trade, and Part I of Schedule XX of the GATT is modified to conform to this action. The rates of duty for these articles set forth in the Rate of Duty Column 1 of the TSUS are not affected by this action and shall remain as previously proclaimed until such time as they are expressly modified.

3. The USTR is hereby authorized to suspend, modify, or terminate the quantitative restrictions on any of the articles covered by Annex I to this proclamation, and to terminate the suspension of the tariff concessions under the GATT on any of the articles covered by Annex II, upon the publication in the *Federal Register* of his determination that such suspension, modification, or termination is justified by actions taken by the EEC with respect to this matter or is otherwise appropriate, taking into account the interests of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.



ANNEX I

Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States is modified --

(1) by inserting the following new headnote 3:

"3. For purposes of this subpart, the term "product of the European Economic Community" refers to products of any member state of this instrumentality which includes Belgium, Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom."; and

(2) by inserting in numerical sequence the following new provisions:

Item	Articles	Quota Quantity
	Whenever, in the period from May 19, 1986, through December 31, 1986, the respective aggregate quantity specified below for the numbered classes of articles the product of the European Economic Community has been entered, no article the product of the European Economic Community in such class may be entered during the remainder of such period:	
946.01	Chocolate, sweetened, in bars or blocks weighing 10 pounds or more each (provided for in item 156.25, part 10A, schedule 1).....	7,358 thousand pounds
946.02	Candy, and other confectionery, not specially provided for (provided for in item 157.10, part 10C, schedule 1).....	122,546 thousand pounds
946.03	Apple or pear juices, not mixed and not containing over 1.0 percent of ethyl alcohol by volume (provided for in item 165.15, part 12A, schedule 1).....	73,093 thousand gallons
946.05	Ale, porter, stout, and beer: In containers other than glass each holding not over 1 gallon (provided for in item 167.05, part 12C, schedule 1).....	2,482 thousand gallons
946.06	In containers each holding over 1 gallon (provided for in item 167.05, part 12C, schedule 1).....	7,405 thousand gallons
946.07	White still wines produced from grapes, containing not over 14 percent of alcohol by volume, in containers each holding not over 1 gallon, valued over \$4 per gallon (provided for in item 167.30, part 12C, schedule 1).....	27,991 thousand gallons

ANNEX I

-2-

Item	Articles	Quota Quantity
Whenever, in the 12-month period beginning January 1, 1987, and in any subsequent 12-month period beginning January 1 in any year, the respective aggregate quantity specified below for the numbered classes of articles the product of the European Economic Community has been entered, no article the product of the European Economic Community in such class may be entered during the remainder of such period:		
946.08	Chocolate, sweetened, in bars or blocks weighing 10 pounds or more each (provided for in item 156.25, part 10A, schedule 1).....	11,773 thousand pounds
946.09	Candy, and other confectionery, not specially provided for (provided for in item 157.10, part 10C, schedule 1).....	196,072 thousand pounds
946.10	Apple or pear juices, not mixed and not containing over 1.0 percent of ethyl alcohol by volume (provided for in item 165.15, part 12A, schedule 1).....	116,949 thousand gallons
946.11	Ale, porter, stout, and beer: In containers other than glass each holding not over 1 gallon (provided for in item 167.05, part 12C, schedule 1).....	3,971 thousand gallons
946.12	In containers each holding over 1 gallon (provided for in item 167.05, part 12C, schedule 1).....	11,848 thousand gallons
946.13	White still wines produced from grapes, containing not over 14 percent of alcohol by volume, in containers each holding not over 1 gallon, valued over \$4 per gallon (provided for in item 167.30, part 12C, schedule 1).....	44,786 thousand gallons"

ANNEX II

Articles on Which Tariff Concessions under the
General Agreement on Tariffs and Trade Are Suspended

Item No.	Articles
[The bracketed language in this list has been included only to clarify the scope of the numbered items on which concessions are being suspended, and such language is not itself intended to describe articles on which concessions are suspended.]	
107.35 pt.	Pork, prepared or preserved (except sausages): Boned and cooked and packed in airtight containers: Ham and shoulders: In containers holding less than 3 pounds
117.00	Blue-mold cheese:
117.05	In original loaves
	Other
	[Bryndza and Cheddar cheeses]
117.25	Edam and Gouda cheeses
	[Gjetost, Goya, Sbrinz, Roquefort, Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Swiss or Emmenthaler with eye formation, Gruyere-process, Gammelost, and Nokkelost cheeses]
	Other cheeses, and substitutes for cheese:
	[Cheeses made from sheep's milk]
	Other:
	Valued over 25 cents per pound:
	[Colby]
	Other:
	[Cheese and substitutes for cheese, whether or not original loaves, containing or processed from Romano, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya, all the foregoing made from cow's milk]
117.88 pt.	Other:
	Other than cheeses provided for in items 950.07, 950.08A, 950.08B, 950.09B, 950.10C, 950.10D, and 950.10E in part 3 of the Appendix to the Tariff Schedules of the United States
136.10	Vegetables, fresh, chilled, or frozen (but not reduced in size nor otherwise prepared for preserved): Endive, including Witloof chicory
141.82	Vegetables (whether or not reduced in size), packed in salt, in brine, pickled, or otherwise prepared or preserved (except vegetables in subpart B of part 8 of schedule 1 of the Tariff Schedules of the United States): Carrots in airtight containers

ANNEX II

-2-

Item No.	Articles
148.42	Olives, prepared or preserved: In brine, whether or not pitted or stuffed: Not ripe and not pitted or stuffed: Not green in color and not packed in airtight containers of glass, metal, or glass and metal
148.56	[Dried] Otherwise prepared or preserved
167.30 pt.	Still wines produced from grapes: Containing not over 14 percent of alcohol by volume: In containers each holding not over 1 gallon: Valued not over \$4 per gallon: White
168.78	Brandy: [Pisco, singani, and slivovitz] Other: In containers each holding not over 1 gallon: Valued over \$13 per gallon
168.96	Cordials, liqueurs, kirschwasser, and ratafia: In containers each holding not over 1 gallon
169.07	Gin: In containers each holding not over 1 gallon
192.25	Hops

[FR Doc. 86-11275

Filed 5-15-86; 11:47 am]

Billing code 3195-01-C

Witness

Exhibit

At the time of the hearing, the witness was asked to describe the contents of the exhibit. The witness stated that the exhibit consisted of a small, rectangular object, approximately 2 inches long and 1 inch wide. The object was made of a dark, possibly black, material and had a smooth, polished surface. It was found in a room that was being searched for evidence.

The witness further stated that the object was found in a room that was being searched for evidence.

The witness was then asked to describe the location of the object. The witness stated that the object was found in a room that was being searched for evidence.

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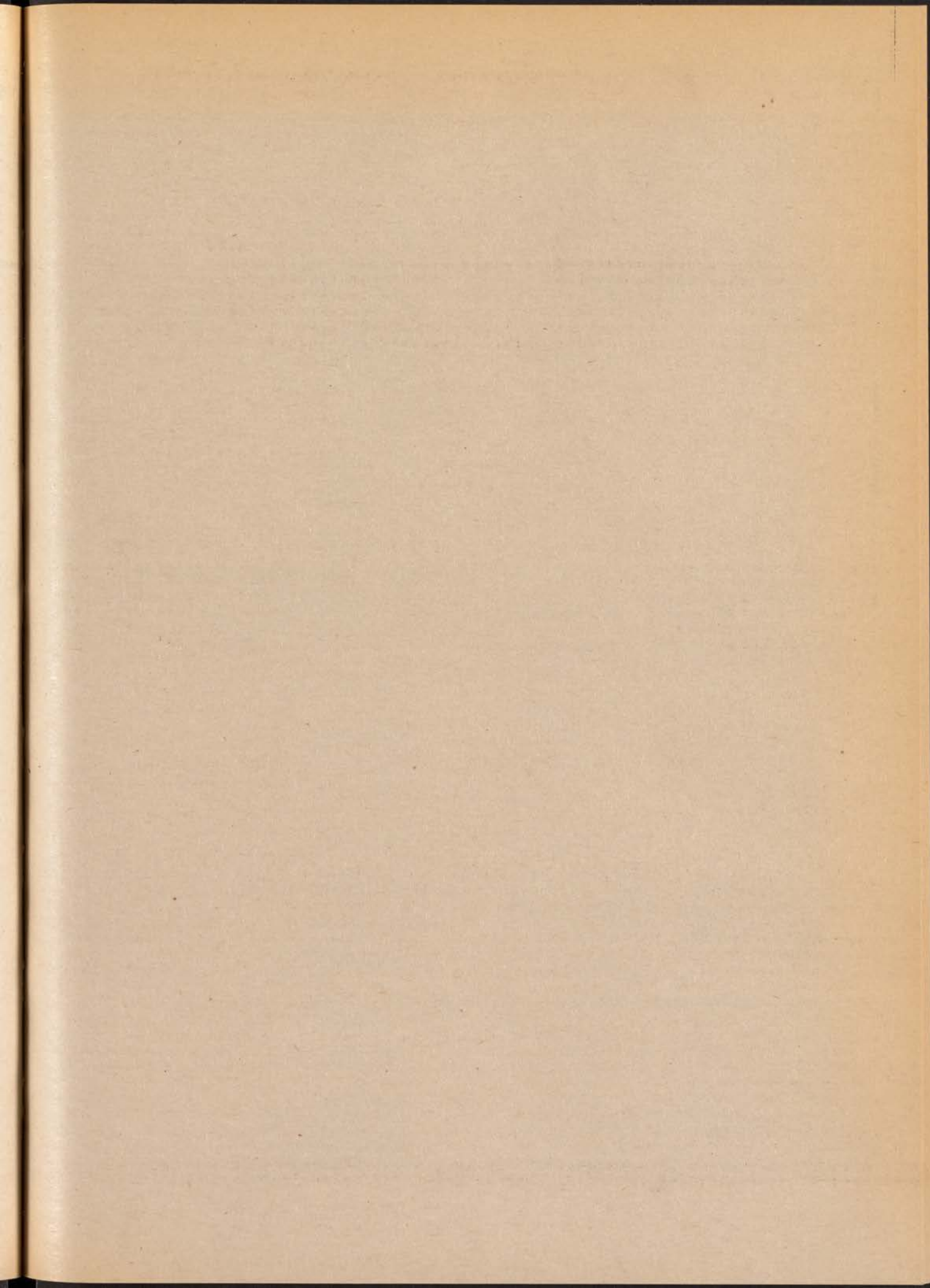
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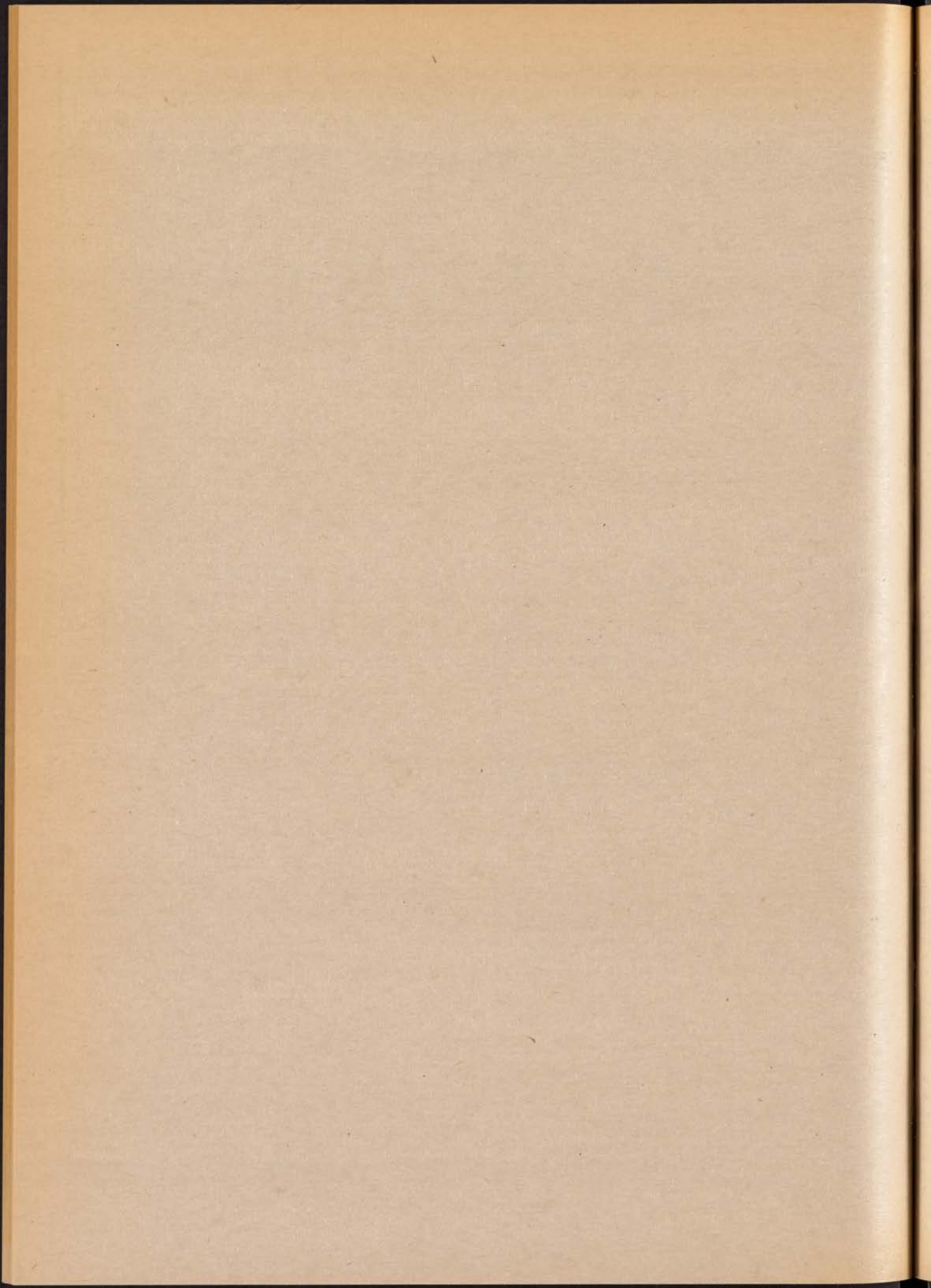
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